



City of Tarpon Springs, Florida

PLANNING AND ZONING DEPARTMENT

324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FL 34688-5004
(727) 942-5611
Fax (727) 943-4651
www.ctsfl.us

**BOARD OF ADJUSTMENT AGENDA
AUGUST 24, 2022, REGULAR MEETING
CITY HALL AUDITORIUM
324 PINE STREET
6:30 P.M.**

- 1. CALL TO ORDER/ROLL CALL**
- 2. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS**
- 3. APPLICATION #22-72 – VARIANCE TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS AND TO ALLOW NONCONFORMING LOTS OF RECORD TO BE BUILT UPON, FOR THE PURPOSE OF CONSTRUCTING TWO SINGLE FAMILY HOMES.**
LOCATION: SOUTHSIDE OF DIVISION STREET, APPROXIMATELY 176 FEET WEST OF THE ATHENS STREET INTERSECTION (LOTS 9 & 10)
- 4. APPLICATION #22-73 – VARIANCE TO REDUCE THE REQUIRED REAR YARD SETBACK FOR THE PURPOSE OF CONSTRUCTING A SCREENED IN PORCH.**
LOCATION: 1615 STONEHAVEN WAY
- 5. APPLICATION #22-78 – VARIANCE TO ALLOW A FENCE TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT.**
LOCATION: 1611 COPPERTREE DRIVE
- 6. APPROVAL OF MINUTES**
 - a. June 29, 2022
- 7. STAFF COMMENTS**
- 8. BOARD COMMENTS**
- 9. ADJOURNMENT**

If a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. You are invited to attend the meeting to express your views or to present facts in regard to the case. Written comments may be addressed to the Planning & Zoning Department, P.O. Box 5004, Tarpon Springs, Florida, 34688-5004, and will become part of the records. All documents submitted with the applications are on file and available for inspection in the Planning & Zoning Department, City Hall. Further information may be obtained from the Planning & Zoning Department, (727) 942-5611 or by email to pmcneese@ctsfl.us. Said hearing may be continued from time-to-time pending adjournment. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 942-5611 or email a written request to akeen@ctsfl.us.



MEMORANDUM

To: Board of Adjustment Members
Staff: Allie Keen, AICP, Senior Planner
Date: August 19, 2022
Subject: **Addendum to Application #22-72 – Denami Holdings, LLC**

The applicant, Denami Holdings, LLC, has provided the attached additional information for consideration of variance application #22-72. The additional information includes:

1. Conceptual Architectural Elevation Options
2. Amended setback variance application to allow a rear yard setback of 5 feet, as opposed to the original request for a minimum 10 foot rear yard setback.

This application is scheduled for the August 24, 2022, Board of Adjustment meeting. Staff will amend the presentation in advance of the meeting to include the additional information provided.

ATTACHMENTS:

1. Conceptual Architectural Renderings
2. Amended Setback Variance Application

ALVIN



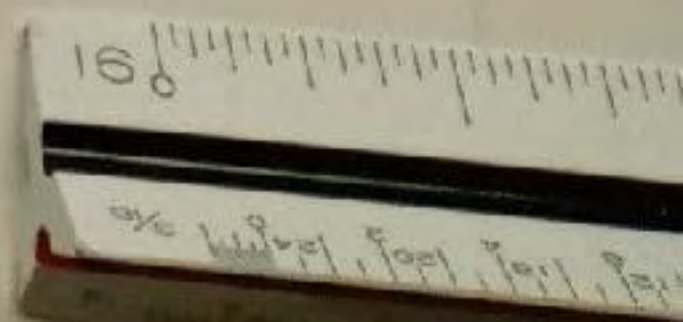
ALVIN



1. Shake well before use. 2. Remove cap. 3. Push screen firmly on tip and squeeze. 4. Use just. 5. Push cap on. 6. Recycle.

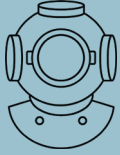
CAUTION: FLAMMABLE

- KEEP AWAY FROM FIRE OR FLAME
- KEEP AWAY FROM CHILDREN
- DO NOT SWALLOW OR INHALE





STREET SCAPE



CITY OF
TARPON SPRINGS
 FLORIDA

TEL: (727) 942-5611
 EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- Completed** original application form and digital copy
- Application fee:
 - Variance Request - \$250.00 each, or
 - Appeal of Administrative Decision - \$250.00 each, and
 - Newspaper Ad - \$150.00 each
 - Postcards (500 foot radius) - \$0.77 each, and
 - Placard - \$ 16.00

(Call for fee calculation assistance if needed)

- Property survey, signed and sealed by a professional land surveyor
- Site Plan with documentation of variance request (to scale with measurements called out)
- Photographs of site if relevant to request.
- Digital copies of all application materials (including completed application and plans)
- Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)
- Other supporting information, as necessary

1. Property Owner(s)

Name Esther Herzog		Email asherzog1@gmail.com	
Address 4789 Daybreak Circle			
City Colorado Springs		State CO	Zip 80917
Phone 727-294-6406	Fax		Cell

2. Applicant (if different than owner)

Name Denami Holdings, LLC		Email maria@olympuspaintng.com	
Address 556 Anclote Road			
City Tarpon Springs		State FL	Zip 34689
Phone 727-942-4149	Fax 727-938-6297		Cell

3. Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cell

4. General Information

Property Location or Address Division Street Lots 9 & 10		
Legal Description (attach additional sheets as necessary) TARPON HEIGHTS, REV PLAT OF SECTION D OF I.B. READS LOTS 9 & 10		
Tax Parcel Number(s) 12-27-15-89874-000-0090	Land Use Category Residential	Zoning District R-60

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 25.03.

Please describe the project and how it varies from the Code (attach additional sheets as necessary). (e.g., *A side setback variance reduction from the required 10 feet to 7 feet for the purpose of constructing a building addition*)

A front and rear setback reduction from 20 feet to 10 feet for the purpose of constructing a single-family home. If allowed, we would like to request a rear setback of 5 feet to allow for a rear-loading garage. If this setback is not acceptable, then we would keep with the request of 10 feet.

To view the LDC standards and section references, follow the link below:

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO

Board of Adjustment Review Standards:

Per LDC Section 215.02(B) (link provided below), the Board of Adjustment may only grant a variance when the following standards are determined to be met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attach additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ART_XIIADEN_S215.02VA

- (1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district. *(Do you have a physical hardship that prevents you from meeting the requirements of the code?) (Provide photographs if possible)*
 - (a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental condition. *(If there are protected or native trees on your property, they could be considered a physical hardship if their preservation results in the need for the variance.)*
 - (b) Location of the property in the Historic District may be considered as a unique physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within that District before any variance may be granted. *(If the need for the variance is in response to the property being located in the Historic District, it could be considered a physical hardship.)*

The dimensions of the property without the adjustment of the setbacks does not allow for the construction of a single family home similar to those in the surrounding neighborhood.

- (2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *(Did you create the situation that requires a variance (e.g. you put in a pool at the minimum setback, but now want a pool screen enclosure that is too close to the property line as a result of the chosen pool location)?)*

The conditions of the property have not been self-created.

- (3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property. *(Would the approval of the variance allow for the reasonable use of the property and its structures? If the variance is denied, would you still have reasonable use of the property?)*

The approval of the variance would allow for the construction of a single-family home similar to those in the surrounding neighborhood. If the variance is denied the property would still have reasonable use.

- (4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances. *(Would approval of the variance result in a special privilege that other properties within the same zoning district do not have (e.g. allowing a building to exceed the maximum height just to add another story to the building?)*

Granting this variance would not confer any special privileges that is not allowed for others in the same zoning district.

- (5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance. *(Would approval of this request have an adverse effect on surrounding properties?)*

Granting this variance would have no adverse effect on surrounding properties.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

**BOARD OF ADJUSTMENT APPLICATION
NON-CONFORMING LOT OF RECORD**

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Nicholas Maurromatis 02/10/2022

Esther B. Herzog

December 17, 2021

Applicant's Signature

Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature

Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

Esther B. Herzog

December 17, 2021

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 17 day of Dec, A.D., 2021

by Esther B. Herzog, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

FL - Driver License as identification and who did (did not) take an oath.

**SAM SU THOMSEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974017379
MY COMMISSION EXPIRES OCT 2, 2025**

NOTARY PUBLIC

Name: Sam Su Thomsen

Signature: Sam Thomsen

Stamp:



CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[AUGUST 24, 2022]

STAFF REPORT

Application No. / Project Title: #22-72 (Denami Holdings, LLC)
Staff: Allie Keen, AICP, Senior Planner
Applicant / Owner: Denami Holdings, LLC / Esther Herzog
Property Size: +/- 9,000 square feet
Current Zoning: R-60 (One and Two Family Residential)
Current Land Use: RM (Residential Medium)
Location / Parcel ID: Located on the southside of Division Street, approximately 176 feet west of the Athens Street intersection (Lots 9 & 10) / 12-27-15-89874-000-0090

BACKGROUND SUMMARY:

The applicant is requesting variance approval to allow for the construction of 2 single-family homes on nonconforming lots of record and to reduce the front and rear yard setbacks to 10 feet, 10 feet less than required.

PRELIMINARY STAFF RECOMMENDATION:

Based on the evidence available at the time this report was prepared, staff would recommend the following:

1. **Approval** of the nonconforming lot of record variance request.
2. **Approval** of the reduced (10 foot) **rear yard setback** variance.
3. **Denial** of the reduced (10 foot) **front yard setback** variance. Staff would support a reduced front yard setback of at least 16 feet, which is consistent with the average front setback along Division Street. It is staff's opinion that the home layouts could be revised to observe a larger front setback that is more complimentary to the historic development pattern of the neighborhood.

If the Board approves the **front yard setback** variance, staff recommends the following condition: The reduced front yard setback shall not apply to a front-loaded garage. A front-loaded garage shall meet the minimum 25-foot front setback typically required for the R-60 zoning district.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The R-60 neighborhood conservation district is created to promote the stability and redevelopment of established neighborhoods consisting primarily of platted subdivisions. The existing street and circulation system should be preserved to promote interaction among residents and with community institutions.

Development Standards:

1. Section 24.02(B) of the Land Development Code states that if at any time the owner of a nonconforming lot owns adjoining unimproved land, then the lots or land shall be combined to meet the minimum requirements in the current Land Development Code.
2. Per Section 25.03(E)(4) of the Land Development Code, the minimum front and rear yard setback is 20 feet in the R-60 zoning district.



CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant
Site Features:	Trees and vegetation
Vehicle Access:	This property gains access from Division Street.

SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-60 (One and Two Family Residential)	RM (Residential Medium) CL (Commercial Limited)
South:	R-60 (One and Two Family Residential)	RM (Residential Medium)
East:	R-60 (One and Two Family Residential)	RM (Residential Medium)
West:	R-60 (One and Two Family Residential)	RM (Residential Medium)

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The applicant is requesting the Board of Adjustment to recognize the historic lot layout of the subject property as 2 separate buildable lots. The applicant intends to construct a single-family home on each lot.
2. The subject site was originally platted as two lots (Lots 9 & 10) in 1914 as a part of the I.B. Reads Tarpon Heights plat, predating the City’s first land development code. Upon adoption of the first Land Development Code in 1944, Lots 9 and 10 were in the R-1 zoning district, which required a minimum lot area of 5,000 square feet. Lots 9 and 10 became non-conforming at that time because they did not meet the minimum lot area. Lot 9 is approximately 4,485 square feet and Lot 10 is approximately 4,250 square feet.
3. Per LDC Section 24.02(B), if at any time the owner of a nonconforming lot owns adjoining unimproved land, the lots shall be combined to meet the minimum requirements. According to deed records available, it appears that Lots 9 and 10 have been under common ownership since they were originally platted, which results in the need for a variance to consider these as two separate buildable lots.
4. The subject property is currently undeveloped. There was a home on the property previously, however, it was demolished in 2008.
5. According to the provided conceptual plan, the proposed homes will have a front and rear yard setback of 10 feet. Per Section 25.03(E)(3) of the Land Development Code, in the R-60 zoning district, the minimum front and rear yard setback is 20 feet. According to the site plan, the proposed layout of the homes will meet the minimum side yard setbacks for the R-60 zoning district.
6. Most of the homes along Division Street were constructed in the 1910s-1920s. Based on aerial photography measurements, these homes have moderate front setbacks, approximately ranging between 12 and 53 feet with an average of 16 feet. Several of the existing homes in the immediate neighborhood have minimal rear setbacks. The required front and rear setbacks would result in a buildable area allowing for a home approximately 45 feet deep. Existing homes along Division Street range between 36 and 72 feet, with an average depth of approximately 50 feet. The deepest home is the adjacent property to the west.
7. Per LDC Section 25.03(E)(3), garages are required to have a minimum front setback of 25 feet for the purpose of allowing adequate space for a vehicle parked in the driveway to not overhang sidewalks. According to the provided conceptual site plan, both homes will have a front facing garage at the



proposed 10-foot front setback. Additionally, there are no homes along Division Street with front facing garages.

8. LDC Section 38.00 provides for various yard encroachments which allows certain structures to encroach into a required setback. Specifically, unenclosed front porches are permitted to encroach up to 10 feet into a required front yard.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT – NONCONFORMING LOT OF RECORD VARIANCE:

Section 215.02.5 of the LDC provides that notwithstanding the requirements of Section 24.02, the Board of Adjustment may grant a variance to allow a nonconforming lot of record to be built upon if the following standards are met and provided by competent substantial evidence:

- 1. The lot consists of at least one entire lot of record on the effective date of this Code.**

Provisions Findings: The subject property was originally platted in 1914 as two separate lots of record prior to the effective date of the Land Development Code. *Based upon evidence available when this report was drafted, staff is of the opinion that this standard has been met.*

- 2. The lot was not created in violation of a previous zoning ordinance.**

Provisional Findings: The lots were in existence prior to the City's first zoning ordinance that went into effect in 1944, therefore the properties were not created in violation of a previous ordinance. *Based upon the evidence available when this report was drafted, staff is of the opinion that this standard has been met.*

- 3. The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks.**

Provisional Findings: According to deed records it appears these two lots have been under common ownership prior to the City's first land development code and this provision being in effect and the property is currently undeveloped. *Based upon the evidence available when this report was drafted, staff is of the opinion that this standard has been met.*

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT – SETBACK VARIANCE:

Section 215.02(B) of the Land Development Code provides that the Board of Adjustment shall grant no variance unless certain standards are met and proven by competent substantial evidence. These standards, along with planning staff's provisional findings of fact are provided below:

- 1. The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.**

Provisional Findings: The need for the variance is due to the lots, which pre-date the City's zoning regulations, being smaller in lot area than what would be currently required under the current zoning requirements. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 2. The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.**



Provisional Findings: The lots were originally platted in 1914, prior to the current zoning regulations being in place. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 3. Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant of reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.**

Provisional Findings: Literal enforcement of the minimum setback requirements would result in homes that could only be approximately 45 feet deep, less than the average home depth for other property along Division Street. The reduced rear yard setback is consistent with other developed properties in the neighborhood and would allow for a home to be constructed that is comparable in size to existing homes in the area and is the minimum variance necessary to make reasonable use of the property. However, based on the historic development pattern of the neighborhood and yard encroachment allowances of the Land Development Code, staff is of the opinion the home layouts could be redesigned to have a larger front setback that is more compatible with the surrounding area. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met in regard to the **front setback variance**.* *Based on the evidence available when this report was prepared, staff is of the opinion that this standard has been met for the **rear setback variance**.*

- 4. Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances.**

Provisional Findings: Although the historic lots are smaller than typically required, they are comparable in size and configuration with other lots in the immediate neighborhood and have been built with larger front setbacks. Granting of the front setback variance could provide special privilege by allowing a reduced front yard smaller than all properties along the same street that were generally built pre-1930 and the adoption of zoning requirements. The requested reduced rear yard setback is consistent with other properties within the district with similar circumstances as the subject site. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met in regard to the **front setback variance**.* *Based on the evidence available when this report was prepared, staff is of the opinion that this standard has been met for the **rear setback variance**.*

- 5. Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.**

Provisional Findings: The subject property is located within an older section of Tarpon Springs. Many of the homes along Division Street were constructed in the 1910s and 1920s. These homes are built on lots comparable in size and configuration to the subject site, however, the average front setback is 16 feet with smaller rear yards. Granting of the variance to allow for the reduced front setback to be 10 feet could alter the essential character of the immediate neighborhood. However, the requested reduced rear yard setback would be comparable to surrounding properties and would likely not adversely affect the surrounding area. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met in regard to the **front setback variance**.* *Based on the evidence available when this report was prepared, staff is of the opinion that this standard has been met for the **rear setback variance**.*



PUBLIC CORRESPONDENCE:

Notices were sent to property owners within 500 feet of the subject property; a legal notice was published in the Tampa Bay Times; and the property was posted. *Staff has received two written responses for this application which have been included in the backup materials.*

ATTACHMENTS:

1. Staff Presentation
2. Nonconforming Lot Variance Application
3. Setback Variance Application
4. Conceptual Site Plan
5. Public Input Letters

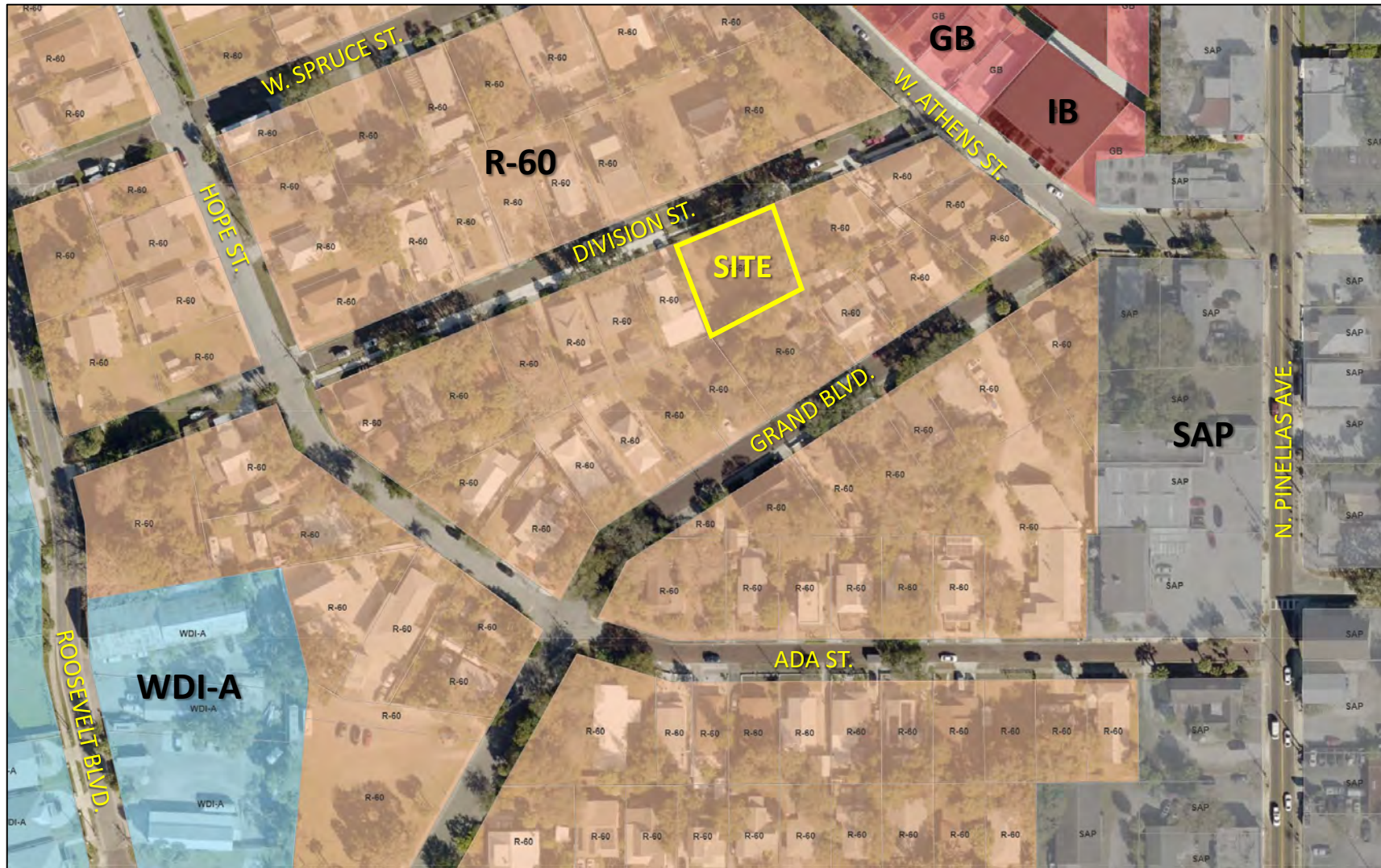
DENAMI HOLDINGS, LLC

#22-72

Board of Adjustments – August 24, 2022

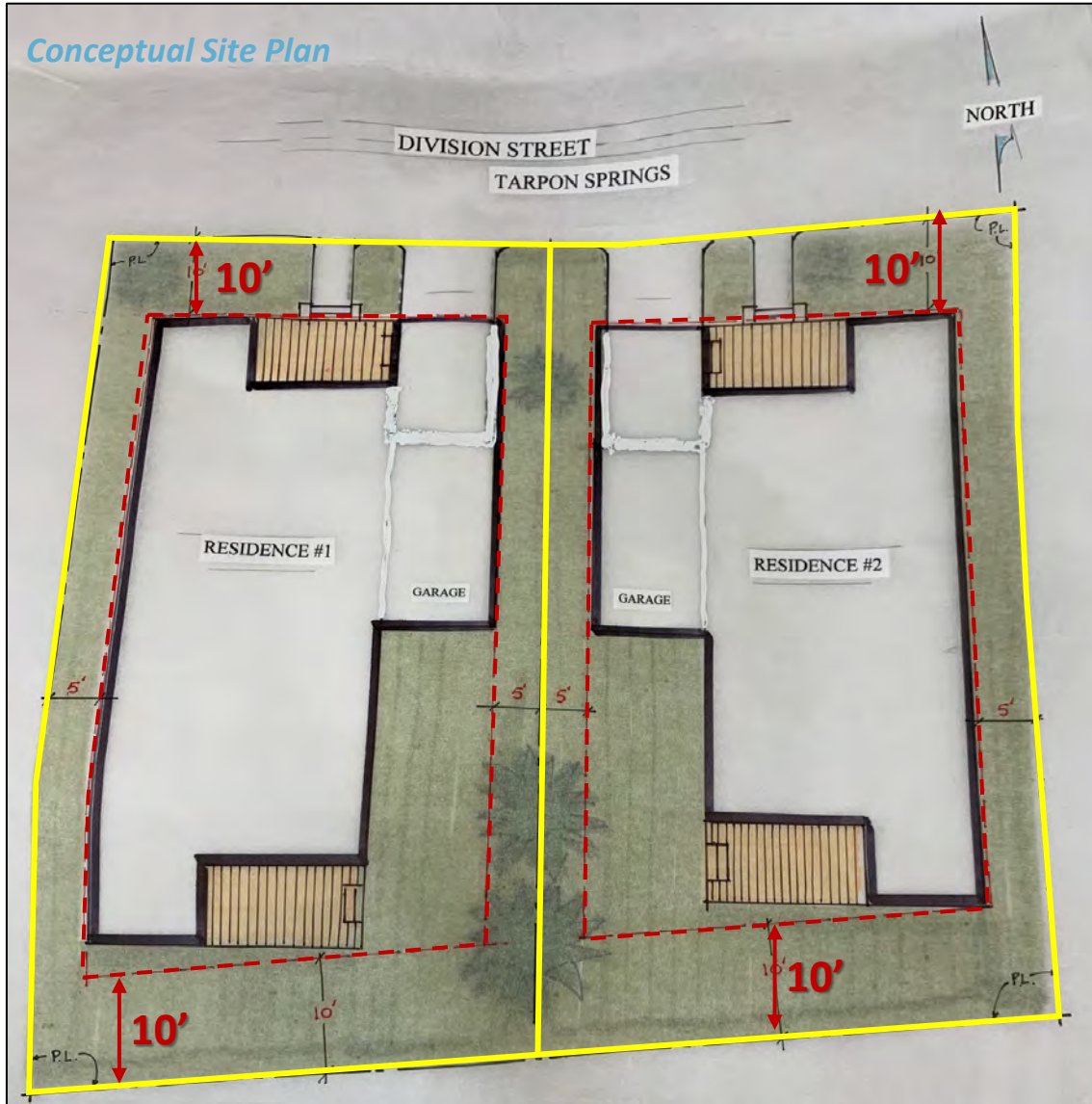


LOCATION & CONTEXT



REQUEST – REDUCED FRONT & REAR YARDS

Conceptual Site Plan



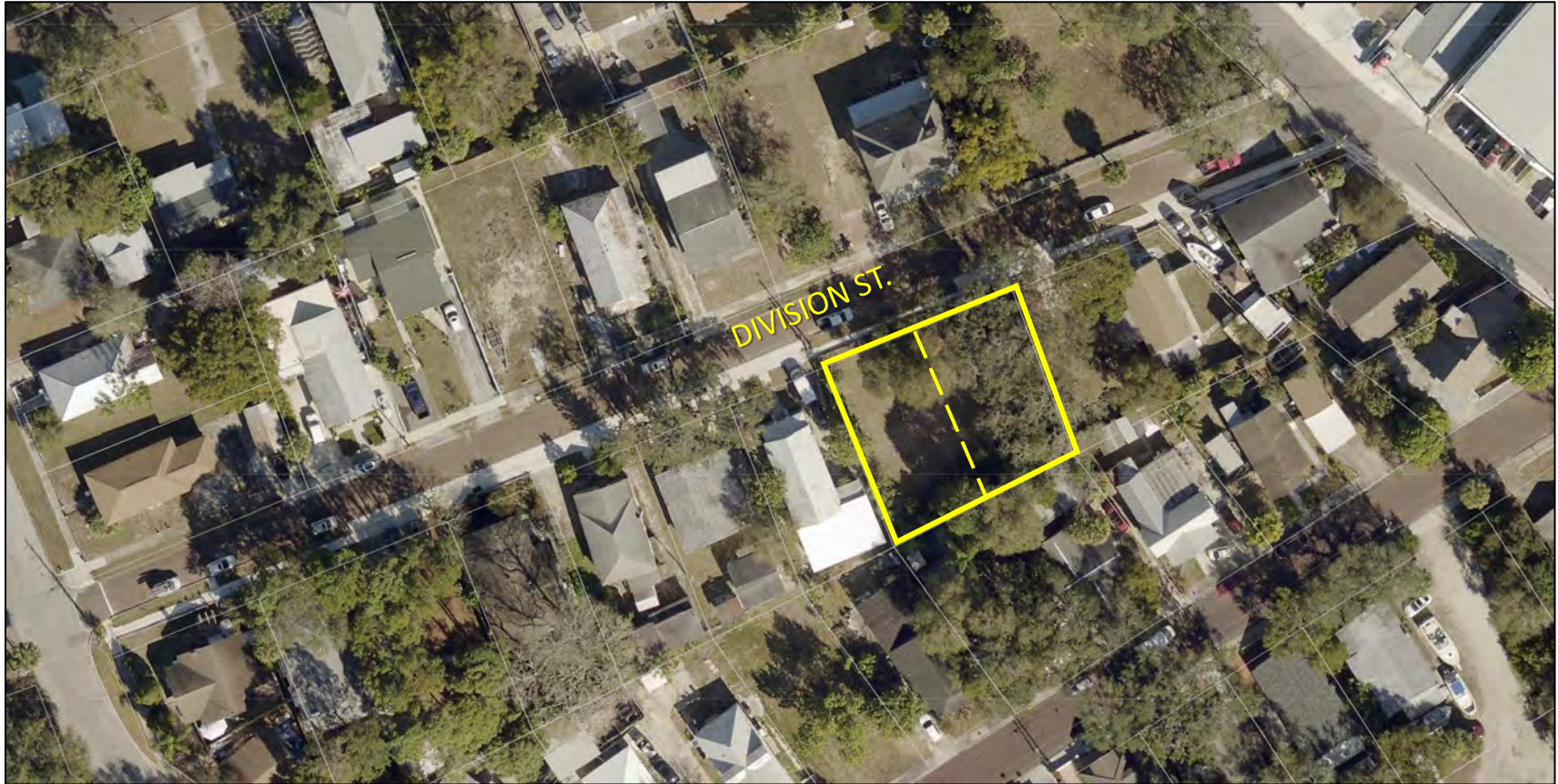
R-60 Zoning:

- Front Yard Required:
 - House = Min. 20 feet
 - Garage = Min. 25 feet
- Rear Yard Required:
 - Min. 20 feet

Proposed Front & Rear Yard:

- 10 feet

CONTEXT



Division Street Setbacks

- Front Yard Range = 12 ft – 53 ft
- Front Yard Average = 16 ft
- Rear yards are typically minimal along Division Street

Division Street Home Depths

- Range = 36 ft – 72 ft
- Average = 50 ft
- If R-60 setbacks were required, allows for home approx. 45 feet deep.

LDC CONSIDERATIONS

- **Section 25.03(E)(3): Garage Setback in R-60**
 - Front loaded garages are required to have a minimum front setback of 25 feet.
 - Prevents a vehicle parked in a driveway from overhanging/blocking a sidewalk.
 - If front setback variance is approved, staff recommends a front-loaded garage still be required to be setback the min. 25 feet.
- **Section 38.00: Yard Encroachments**
 - Code provides for various yard encroachments which allows certain structures to encroach into a required setback.
 - Unenclosed front porches are permitted to encroach up to 10 feet into a required front yard.



REVIEW STANDARDS – NONCONFORMING LOT OF RECORD

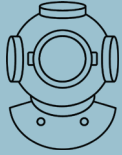
- 1) The lot consists of at least one entire lot of record on the effective date of this Code.
- 2) The lot was not created in violation of a previous zoning ordinance.
- 3) The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks.



REVIEW STANDARDS – SETBACK VARIANCE

- 1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.
- 2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.
- 3) Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant or reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.
- 4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of a property that is not commonly enjoyed by other persons in similar circumstances.
- 5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.





CITY OF
TARPON SPRINGS
 FLORIDA

TEL: (727) 942-5611
 EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- Completed** original application form and digital copy
- Application fee:
 - Variance Request - \$250.00 each, or
 - Appeal of Administrative Decision - \$250.00 each
 - Newspaper Ad - \$150.00 each
 - Postcards (500 foot radius) - \$0.77 each, and
 - Placard - \$ 16.00

(Call for fee calculation assistance if needed)

- Property survey, signed and sealed by a professional land surveyor
- Site Plan with documentation of variance request (to scale with measurements called out)
- Photographs of site if relevant to request.
- Digital copies of all application materials (including completed application and plans)
- Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)
- Other supporting information, as necessary

1. Property Owner(s)

Name Esther Herzog		Email asherzog1@gmail.com	
Address 4789 Daybreak Circle			
City Colorado Springs		State CO	Zip 80917
Phone 727-294-6406	Fax		Cell

2. Applicant (if different than property owner)

Name Denami Holdings, LLC		Email maria@olympuspainting.com	
Address 556 Anclote Rd			
City Tarpon Springs		State FL	Zip 34689
Phone 727-942-4149	Fax 727-938-6297		Cell

3. Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cell

4. General Information

Property Location or Address Division Street Lots 9 & 10		
Legal Description (attach additional sheets as necessary) TARPON HEIGHTS, REV PLAT OF SECTION D OF I.B. READS LOTS 9 & 10		
Tax Parcel Number(s) 12-27-15-89874-000-0090	Land Use Category Residential	Zoning District R-60

Variance Requested:

Please describe the project (attach additional sheets as necessary):

We would like to construct 2 single family homes, one on each of the lots. These will fit in with the surrounding homes in that area.

Lot Dimension Standards:

This property is located in the R-60 zoning district.

Required Lot Dimensions:		Proposed/Current Lot Dimensions:	
Minimum Lot Area:	6,000sqft	Lot Area:	4,250sqft
Minimum Lot Width:	40ft	Lot Width:	50ft
Minimum Lot Depth:	n/a	Lot Depth:	90

00004

Follow the link to Section 25.00 of the Land Development Code Zoning for Zoning District lot standards - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ARTIIDIRE_S25.00SCDIRE

Board of Adjustment Review Standards:

Per Land Development Code Section 215.02.5 (link provided below), the Board of Adjustment may grant a variance to allow a nonconforming lot of record to be built upon if the following three standards are met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attached additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ARTXIADEN_S215.02.5VANOLORE

- (1) Does the lot consist of at least one entire lot of record on the effective date of this Code? *(Explain when the lot was created and provide a legal description on single deeds going back to 1990 (e.g. The lot was created in 1926 and has remained a single lot of record since that time.))*

The lot was created in 1914 and has remained a single lot of record since that time.

(2) Was the lot created in violation of a previous zoning ordinance? *(Explain if or when the lot was separated or subdivided)*

Lots were created in 1914 as individual lots.

00005

(3) Was the lot combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks. *(Are the neighboring structures on conforming lots? To meet zoning standards (i.e. setbacks, minimum lot standards), did those structures rely on the nonconforming lot in order to be built?)*

Lots have remained under common ownership since originally created.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

**BOARD OF ADJUSTMENT APPLICATION
NON-CONFORMING LOT OF RECORD**

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Nicholas Maurromatis 02/10/2022

Esther B. Herzog

December 17, 2021

Applicant's Signature

Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature

Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

Esther B. Herzog

December 17, 2021

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 17 day of Dec, A.D., 2021

by Esther B. Herzog, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

FL - Driver License as identification and who did (did not) take an oath.

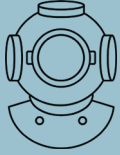
**SAM SU THOMSEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974017379
MY COMMISSION EXPIRES OCT 2, 2025**

NOTARY PUBLIC

Name: Sam Su Thomsen

Signature: Sam Thomsen

Stamp:



CITY OF
TARPON SPRINGS
 FLORIDA

TEL: (727) 942-5611
 EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- Completed** original application form and digital copy
- Application fee:
 - Variance Request - \$250.00 each, or
 - Appeal of Administrative Decision - \$250.00 each, and
 - Newspaper Ad - \$150.00 each
 - Postcards (500 foot radius) - \$0.77 each, and
 - Placard - \$ 16.00

(Call for fee calculation assistance if needed)

- Property survey, signed and sealed by a professional land surveyor
- Site Plan with documentation of variance request (to scale with measurements called out)
- Photographs of site if relevant to request.
- Digital copies of all application materials (including completed application and plans)
- Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)
- Other supporting information, as necessary

1. Property Owner(s)

Name Esther Herzog		Email asherzog1@gmail.com	
Address 4789 Daybreak Circle			
City Colorado Springs		State CO	Zip 80917
Phone 727-294-6406	Fax		Cell

2. Applicant (if different than owner)

Name Denami Holdings, LLC		Email maria@olympuspaintng.com	
Address 556 Anclote Road			
City Tarpon Springs		State FL	Zip 34689
Phone 727-942-4149	Fax 727-938-6297		Cell

3. Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cell

4. General Information

Property Location or Address Division Street Lots 9 & 10		
Legal Description (attach additional sheets as necessary) TARPON HEIGHTS, REV PLAT OF SECTION D OF I.B. READS LOTS 9 & 10		
Tax Parcel Number(s) 12-27-15-89874-000-0090	Land Use Category Residential	Zoning District R-60

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 25.03.

Please describe the project and how it varies from the Code (attach additional sheets as necessary). (e.g., A side setback variance reduction from the required 10 feet to 7 feet for the purpose of constructing a building addition)

A front and rear setback reduction from 20 feet to 10 feet for the purpose of constructing a single-family home.

To view the LDC standards and section references, follow the link below:

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO

Board of Adjustment Review Standards:

Per LDC Section 215.02(B) (link provided below), the Board of Adjustment may only grant a variance when the following standards are determined to be met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attach additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ART_XIIADEN_S215.02VA

- (1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district. *(Do you have a physical hardship that prevents you from meeting the requirements of the code?) (Provide photographs if possible)*
 - (a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental condition. *(If there are protected or native trees on your property, they could be considered a physical hardship if their preservation results in the need for the variance.)*
 - (b) Location of the property in the Historic District may be considered as a unique physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within that District before any variance may be granted. *(If the need for the variance is in response to the property being located in the Historic District, it could be considered a physical hardship.)*

The dimensions of the property without the adjustment of the setbacks does not allow for the construction of a single family home similar to those in the surrounding neighborhood.

- (2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *(Did you create the situation that requires a variance (e.g. you put in a pool at the minimum setback, but now want a pool screen enclosure that is too close to the property line as a result of the chosen pool location)?)*

The conditions of the property have not been self-created.

- (3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property. *(Would the approval of the variance allow for the reasonable use of the property and its structures? If the variance is denied, would you still have reasonable use of the property?)*

The approval of the variance would allow for the construction of a single-family home similar to those in the surrounding neighborhood. If the variance is denied the property would still have reasonable use.

- (4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances. *(Would approval of the variance result in a special privilege that other properties within the same zoning district do not have (e.g. allowing a building to exceed the maximum height just to add another story to the building?)*

Granting this variance would not confer any special privileges that is not allowed for others in the same zoning district.

- (5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance. *(Would approval of this request have an adverse effect on surrounding properties?)*

Granting this variance would have no adverse effect on surrounding properties.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

**BOARD OF ADJUSTMENT APPLICATION
NON-CONFORMING LOT OF RECORD**

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Nicholas Maurromatis 02/10/2022

Esther B. Herzog

December 17, 2021

Applicant's Signature

Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature

Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

Esther B. Herzog

December 17, 2021

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 17 day of Dec, A.D., 2021

by Esther B. Herzog, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

FL - Driver License as identification and who did (did not) take an oath.

**SAM SU THOMSEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974017379
MY COMMISSION EXPIRES OCT 2, 2025**

NOTARY PUBLIC

Name: Sam Su Thomsen

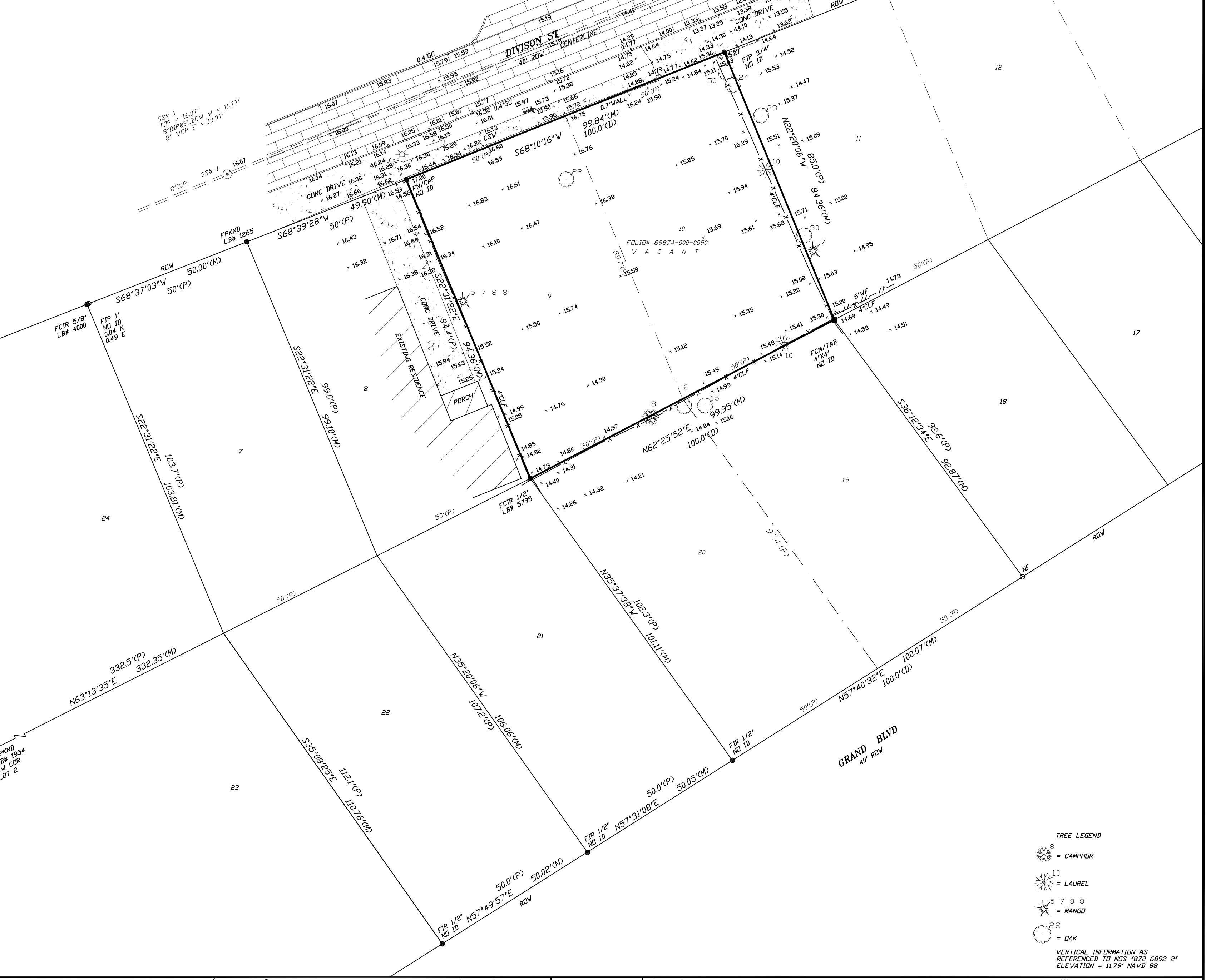
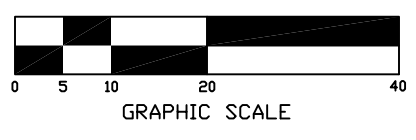
Signature: Sam Thomsen

Stamp:

MAP OF BOUNDARY, TOPOGRAPHIC AND TREE SURVEY
 SECTION 12, TOWNSHIP 27 SOUTH, RANGE 15 EAST
 STREET ADDRESS:
 0 DIVISION STREET
 TARPON SPRINGS, FLORIDA 34689



SCALE 1" = 20'



TREE LEGEND

- = CAMPHOR
- = LAUREL
- = MANGO
- = OAK

VERTICAL INFORMATION AS REFERENCED TO NGS '82 6892 2' ELEVATION = 11.79' NAVD 88

LEGENDS & SYMBOLS: * = LP, * = CP, ← = GUY ANCHOR, + = FIRE HYDRANT, ◀ = WATER VALVE, ○ = MANHOLE, ◻ = RECLAIM WATER METER, ◯ = TRAFFIC SIGN, 0.00' = EXISTING GRADES

AC = AIR CONDITIONER	CL = CURB INLET	EP = EDGE OF PAVEMENT	FRRS = FOUND RAIL ROAD SPIKE	PC = POINT OF CURVATURE	(REC) = RECORD	UE = UTILITY EASEMENT
ADS = ADVANCED DRAINAGE SYSTEMS	CLF = CHAIN LINK FENCE	FCIP = FOUND CAPPED IRON PIPE	FRS = FOUND RAIL ROAD SPIKE	PCED = PINELLAS COUNTY ENGINEERING DEPARTMENT	REF = REFERENCED	WC = WITNESS CORNER
AL = ALUMINUM	CO = CLEANOUT	FDM = FOUND DRILL HOLE	GC = GRANITE CURB	PG = PERMANENT CONTROL POINT	ROW = RIGHT-OF-WAY	WD = WOOD DECK
ASPH = ASPHALT	CONC = CONCRETE	FM = FOUND IRON ROD	ID = IDENTIFICATION	PI = POINT OF INTERSECTION	SA = SANITARY	WF = WOOD FENCE
BM = BENCH MARK	COR. = CORNER	FP = FOUND IRON PIPE	LP = LINEAR FEET	POB = POINT OF BEGINNING	SEC. TWP. R. = SECTION TOWNSHIP RANGE	WM = WATER METER
BRW = BRICK WALL FENCE	CS = CONC STEPS	FSW = FOUND SIDE WALK	(M) = MEASURED	POC = POINT OF COMMENCEMENT	SCR 5/8" = SET CAP IRON ROD LB #7101	WPP = WOOD POWER POLE
CA = COVERED AREA	CSW = CONCRETE SIDE WALK	FN = FOUND NAIL	(M) = MEASURED	POL = POINT ON LINE	SH = SHED	WS = WOOD STEPS
CATV = CABLE TV BOX	DE = DEED	FN/D = FOUND NAIL & DISC	(M) = MEASURED	PP = POWER POLE	SPKND = SET PK NAIL AND DISC LB. #7101	WW = WING WALL
CB = CATCH BASIN	DE = DRAINAGE EASEMENT	DISC = DISK	(M) = MEASURED	PRC = POINT OF REVERSE CURVE	ST = STORM	UGP = UNDERGROUND POWER
CC = CONC CURB	ENCL = ENCLOSURE	ENCL = ENCLOSURE	(M) = MEASURED	PT = POINT OF TANGENT	STDP = STRADDLE POINTS	V = VINYL FENCE
CD = CERTIFIED CORNER RECORD	EDW = EDGE OF WATER	ENCL = ENCLOSURE	(M) = MEASURED	PVR = PAVERS	(TM) = TAX MAP	VG = VALLEY GUTTER
CE = COVERED ENTRANCE	EDW = EDGE OF WATER	ENCL = ENCLOSURE	(M) = MEASURED		TOB = TOP OF BANK	
CG = CURB AND GUTTER					TOE = BOTTOM OF SLOPE	

FOR THE BENEFIT OF:
 DENAMI HOLDING LLC

LEGAL DESCRIPTION:
 LOTS 9 AND 10, REVISED PLAT OF SECTION "D" OF I.B. READS, TARPON HEIGHTS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 33, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

CERTIFICATION:
 I HEREBY CERTIFY THAT THIS SURVEY MAP WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN HEREON AND IN ACCORDANCE BY THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPER, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.50 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

ERROL A. AYUSO, P.S.M. #5955 DATE SIGN: 01-22-22

SURVEYORS NOTES:
 SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
 NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENT OR RIGHT-OF-WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
 NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
 THIS SURVEY IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 BASIS OF BEARING AS REFERENCED TO FLORIDA STATE PLANE COORDINATE SYSTEM, GRID ZONE WEST, NAD 83

FLOOD ZONE: "X"
 COMMUNITY PANEL No. 120259-0019H
 DATED: 08-24-2021

INFORMATION SHOWN HEREON BY NO MEANS REPRESENT A DETERMINATION IN WHETHER PROPERTIES WILL OR WILL NOT FLOOD. LAND WITHIN THE BOUNDARIES OF THIS PLAT MAY OR MAY NOT BE SUBJECT TO FLOODING.

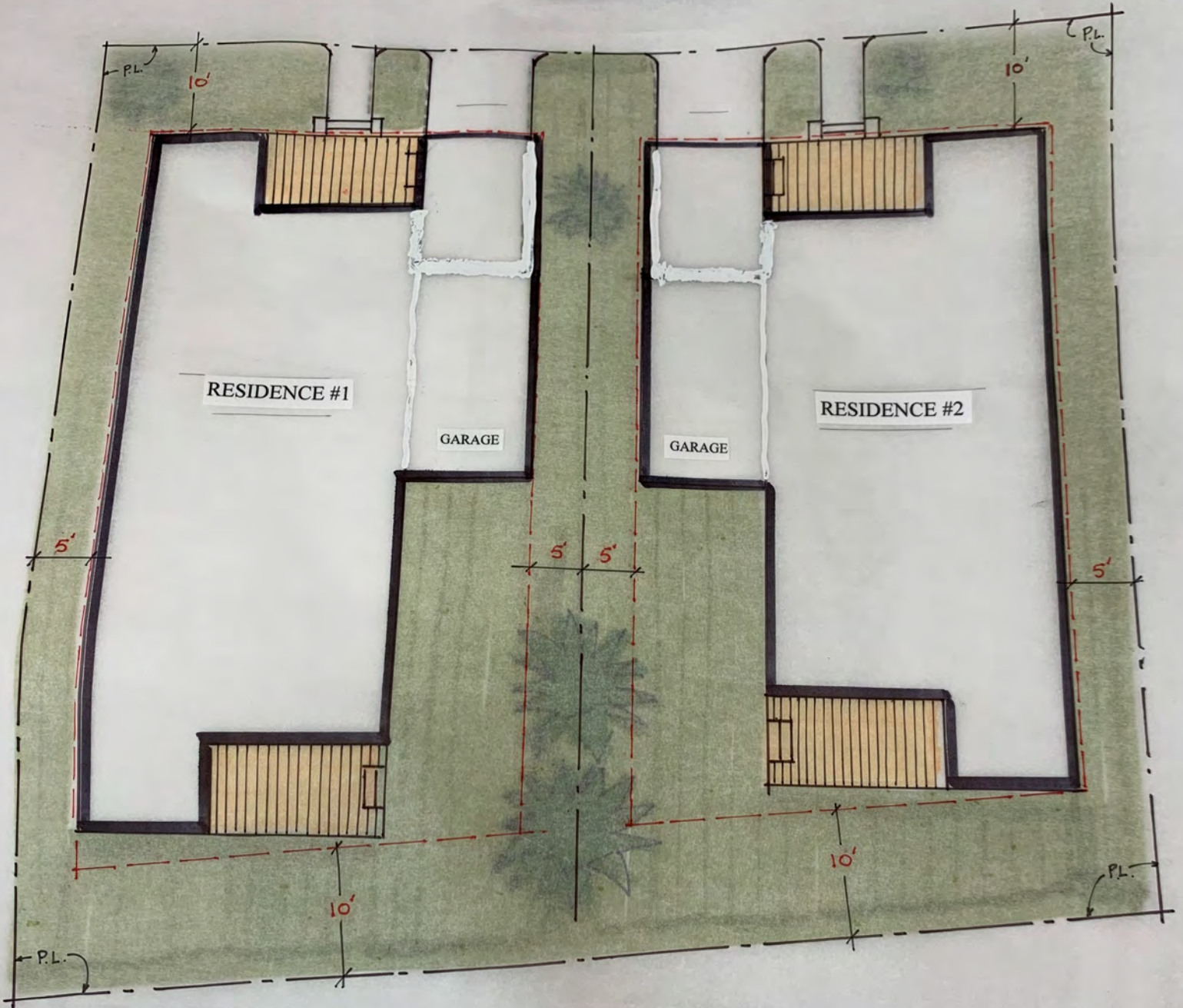
AYUSO SURVEYING, INC. D/B/A ERROL A. AYUSO
 PROFESSIONAL SURVEYORS & MAPPERS PSM #5955
 10170 11TH STREET NORTH UNIT #105
 ST. PETERSBURG, FLORIDA 33716
 727-528-2399 OR 528-1839, FAX 727-528-2038
 E-MAIL AYUSOSURVEYING@YAHOO.COM

REVISIONS DATE:

NORTH

DIVISION STREET

TARPON SPRINGS



SITE PLAN

Board of Adjustment
Tarpon Springs, Florida 34689

RE: Variance Application #22-72

Members of the board,

We are strongly opposed to the granting of a variance for the construction of two homes on a conforming lot, turning it into two non-conforming lots on Division Street for the following reasons:

Taking the requirements for a variance one by one.

1. The need for this variance ONLY DOES arise out of the physical characteristics that are unique to this property: when split in two, both parts are smaller than nearly all other built-upon lots in the surrounding area (lots on the blocks between Division and Spruce, and between Division and Grand). Furthermore, one proposed lot is only 92% of the required size of 5000 square feet (at 4579 square feet), the other is only 87% of the required size (at 4329 square feet)
 - a. The applicant's survey says that the trees on or next to this lot are Camphor (1), Laurel (2), Mango (2) and Oak (7). I believe that none are protected but they are quite large and quite old and should be preserved. The proposed construction will require the removal of all or nearly all of them and the likely death of all of them.
 - b. Not applicable, this is not in Tarpon's designated Historic District
2. These conditions long pre-date the current applicant
3. It is NOT the case that the literal enforcement of the zoning requirement would deny reasonable use of the property. In the applicant's own answer to this question on their Board of Adjustment Application they say "If the variance is denied the property would still have reasonable use."
4. I cannot address this – I'm not familiar with what privileges may be extended to others in the zoning district. I very much hope that those privileges do not include significant variation from longstanding zoning rules.
5. Granting this variance WILL have several adverse effects on surrounding properties:
 - a. The applicants claim that the approval of this variance allows for the construction of single-family homes similar to those in the surrounding neighborhood. That is not what they are requesting – the desired homes, as presented, are significantly larger than homes in the neighborhood and cover a far larger portion of their lot. The requested homes are shown as covering approximately 2730 square feet (on Lot 9 – 60% of the lot) and 2530 square feet (on lot 10 – 59% of the lot). On Division St. the average living space is 1580 square feet, with 2025 square feet of lot coverage (30% of the lot). On Spruce St. the average living space is 1410 square feet, with 1700 square feet of lot coverage (26% of the lot). On Grand Blvd parallel to Division St the average living space is 1260 square feet with 1800 square feet of lot coverage (28% of the lot)
 - b. Parking is an issue on narrow little Division St. now, even more when there's a festival at the docks or when Athens or Hope Streets are closed, as happened several times last year. The people buying these homes are likely to have at least two vehicles each. There is no provision made for parking more than one of those

vehicles on the property, nor any possibility of creating such a provision. This will interfere with our ability to get to our own driveways to park and certainly creates a nuisance, to say nothing of a hazard.

- c. The proposed construction is at the top of the hill on Division St. Drainage is an issue now on the slopes of Division Street toward Athens Street and toward Hope Street. During even a moderate rain, it flows into the drives of homes lower down. At present, rain can percolate through this entirely undeveloped lot and is sucked up by the 10 or 20 large, old trees on the lot or next door. With more than 60% of the lot covered by roof, driveway and walkways and those trees gone, where is that water to go but to Hope and Athens and the neighbors' driveways?
- d. The building of two overlarge homes, that too closely approach the lot lines, diminishes both the value and comfort of surrounding properties, injuring the rights of those of us that live nearby.

Thank you,

Deken Schmidt
Lynne Hardaker

542 Division St.
Tarpon Springs, FL 34689

(727) 888-3832
deken.schmidt@gmail.com

Allie Keen

From: Lois Barth <lois.barth6@gmail.com>
Sent: Thursday, August 11, 2022 1:36 PM
To: Planning
Cc: Lois Barth
Subject: Attention Planning & Zoning Department; re Southside Division St, Lots 9 & 10

External Email- Use caution with links and attachments

Hello,

For 14 years I owned a house on Read Street in the historic area of Tarpon Springs. I loved the neighbors and the neighborhood. There is a charm and comfort in that area that attracts those who desire a special place to live and owners who will treat their property respectfully. I have been informed of a request to rezone 2 lots on Division St, #9 and #10. The applicant wants to build 2 houses in what appears to be a tight space by reducing the front and rear yard setbacks. This seems to be an affront to any immediate neighbors with already established dwellings. It does not seem to fit the charm character of the community which attracts quality residents. The advantage only seems to be to the builder and is a form of greed. Homeowners do not want to sit in their house or yard and look a few feet away into someone else's personal space. I presume the current setback rules were established thoughtfully and for good reason, so why make an exception to them now in this one instance? It could set a precedent for building other houses around the town too tightly. High density living is not desirable in the eyes of many who would be attracted to living in the historical area. Of note, I am a tax paying member of Tarpon Springs. I now own a condo in the Green Dolphin community and I am still quite interested in the quality of life offered to those who choose to live here.

Thank you,
Lois Barth



CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[AUGUST 24, 2022]

STAFF REPORT

Application No. / Project Title: #22-73 (Gasco)
Staff: Allie Keen, AICP, Senior Planner
Applicant / Owner: Tim and Chris Gasco
Property Size: +/- 6,000 square feet
Current Zoning: R-70 (One and Two Family Residential)
Current Land Use: RU (Residential Urban)
Location / Parcel ID: 1615 Stonehaven Way / 23-27-15-92009-000-1120

BACKGROUND SUMMARY:

The applicant is requesting to reduce the rear yard setback for the installation of a screened in porch with a hard roof over an existing concrete patio. The applicant is proposing a rear setback of 13 feet, 7 feet less than required.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff would recommend approval of this request.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The R-70 one and two family residential district is established to provide for a mixture of one and two family dwellings at a medium density where the mixture is determined to be compatible with development trends in the area.

Development Standards: Per Land Development Code Section 25.03(F)(6), the minimum required rear yard setback is 20 feet in the R-70 zoning district.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single-Family Residential
Site Features:	Single family home, driveway, landscaping, and concrete patio.
Vehicle Access:	This property gains access from Stonehaven Way.

SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-70 (One and Two Family Residential)	RU (Residential Urban)
South:	R-70 (One and Two Family Residential)	RU (Residential Urban)



East:	R-70 (One and Two Family Residential)	RU (Residential Urban)
West:	R-70 (One and Two Family Residential)	RU (Residential Urban)

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The applicant is proposing to construct a 12 foot by 16 foot (192 square feet) screened in porch with a hard roof over an existing concrete patio in the back yard. According to the site plan, the porch will have a rear yard setback of 13 feet.
2. Section 25.03(F)(6) of the Land Development Code (LDC) provides for a minimum 20-foot rear yard setback. The existing home is setback approximately 25 feet from the rear property line. Based on the lot layout, to construct a covered porch in compliance with the Code, it could be no deeper than 5 feet.
3. The Land Development Code provides exceptions to typical zoning district setbacks for certain structures, as outlined below:
 - a. Section 36.02(C) permits an open pool screen enclosure to have a rear yard setback of 5 feet, or outside any easement. There is a 10-foot easement along the rear of the subject property. If the proposed screen porch had an open roof rather than the hard roof it could be treated like a pool screen enclosure and be constructed as proposed without variance approval. The applicant has indicated that the roof is necessary to provide shade for the porch.
 - b. Section 36.01(A) permits accessory structures 200 square feet or smaller to be only 5 feet from a rear property, or outside any easement. If the proposed structure were detached from the home and a separate structure it would be permitted to be as close as 10 feet to the rear property line, due to the existing utility easement.
4. The subject property is located within the Trentwood Manor subdivision, which was originally constructed in the 1970s, predating the current zoning regulations. The properties within this development generally have similar lot and home sizes. Throughout the development, there are several homes with similar covered porches to what the applicant is proposing that are also located closer than 20 feet from the rear property lines.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 215.02(B) of the Land Development Code provides that the Board of Adjustment shall grant no variance unless certain standards are met and proven by competent substantial evidence. These standards, along with planning staff’s provisional findings of fact are provided below:

1. **The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.**

Provisional Findings: Although the property conforms with the minimum lot dimensions of the R-60 zoning district, the layout of the home, which was constructed in 1974 and comparable in size and shape to others in the neighborhood, prevents a practical covered porch from being constructed on the property in conformance with the Land Development Code. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

2. **The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.**

Provisional Findings: The home was constructed in 1974, predating the current zoning regulations and the applicant owning the property, therefore, the special circumstances have not been self-created. *Based*



upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.

- 3. Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant of reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.**

Provisional Findings: Literal enforcement of the minimum setback requirements could have the effect of denying reasonable use by preventing the construction of covered outdoor space, a use commonly enjoyed by residential properties within the immediate neighborhood and elsewhere in the City. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has met.*

- 4. Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances.**

Provisional Findings: Approval of this request will not confer any special uses or privileges to the applicant that are not commonly enjoyed by other property owners in this area. Covered, screened in porches are common features for single family properties within the immediate neighborhood and elsewhere in the City. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 5. Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.**

Provisional Findings: Covered, screened-in porches are common features of single family residences in the R-60 zoning district. The reduced setback for the proposed porch will not substantially diminish property values or alter the character of the neighborhood. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

PUBLIC CORRESPONDENCE:

Notices were sent to property owners within 500 feet of the subject property; a legal notice was published in the Tampa Bay Times; and the property was posted. *Staff has not received any responses to these notices.*

ATTACHMENTS:

1. Staff Presentation
2. Application Materials
3. Survey/Site Plan

GASCO

#22-73

Board of Adjustments – August 24, 2022



LOCATION & CONTEXT



REQUEST

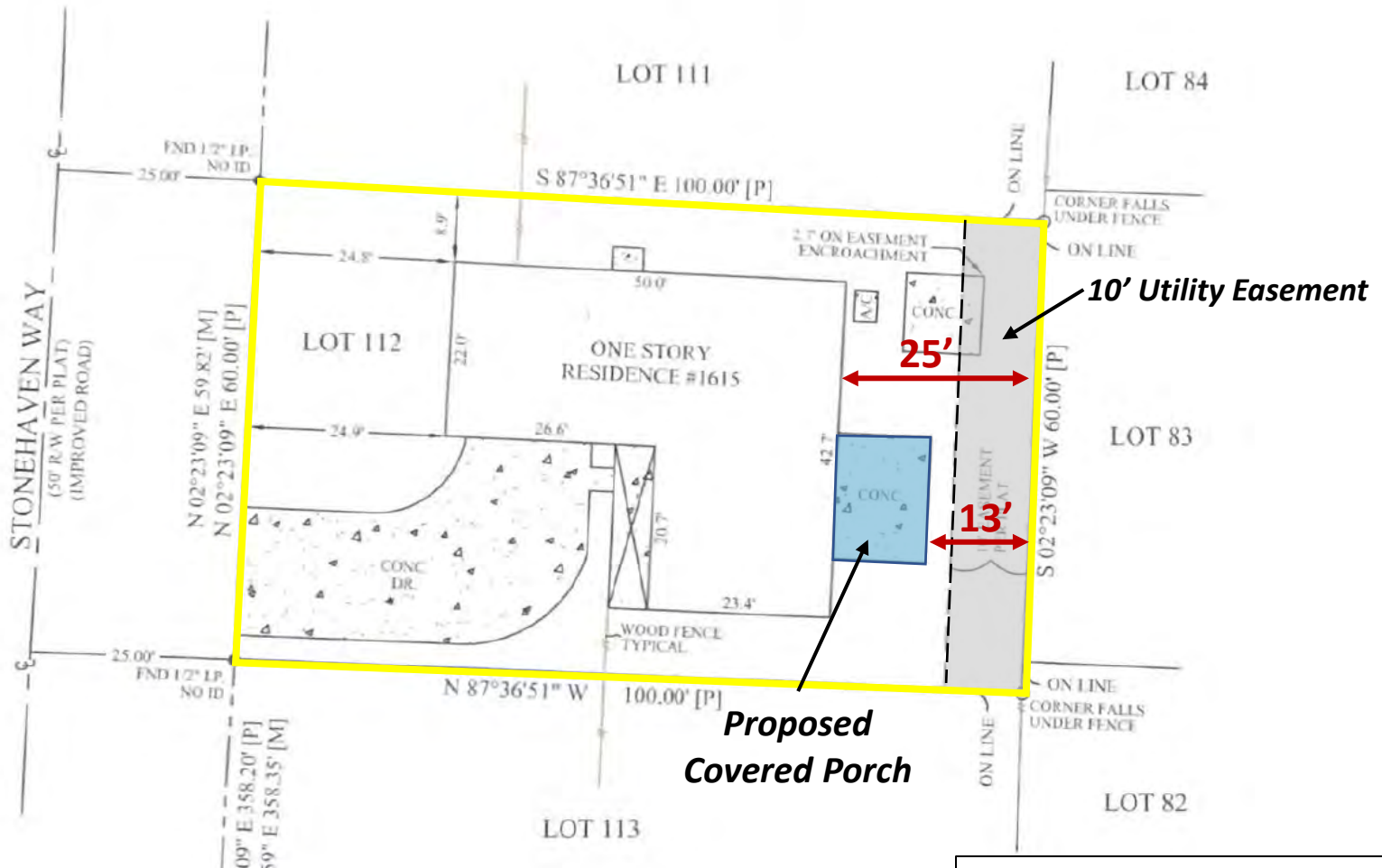
- **#22-73 – Rear Yard Setback**

- R-70 Rear Yard Setback:
 - *Required:* 20 feet
 - *Proposed:* 13 feet

- **Applicant/Owner:** Tim & Chris Gasco

- *Proposing to construct a screened-in porch with a hard roof over any existing concrete patio in the back yard.*

SURVEY



R-70 Rear Yard Setback:

- Minimum = 20 feet
- Proposed = 10 feet



LDC CONSIDERATIONS

- **Section 36.02(C): Pool Screen Enclosures**
 - Open Pool Screen Enclosures permitted minimum *5 foot, or outside any easement*, rear yard setbacks.
 - If hard roof was removed, proposed screened-in porch could be treated similarly, and would be permitted without variance approval.
- **Section 36.01(A): Accessory Structure Setback**
 - Structures less than 200 square feet in area are permitted a reduced rear yard setback of *5 feet, or outside any easement*.
 - If proposed porch was detached and a separate structure it would be permitted to be as close as 10 feet to the rear property line, due to the existing utility easement.

CONTEXT



Visual Survey from aerial w/approximate rear yard measurements of existing covered porches.

REVIEW STANDARDS - VARIANCE

- 1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.
- 2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.
- 3) Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant or reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.
- 4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of a property that is not commonly enjoyed by other persons in similar circumstances.
- 5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.



BOARD OF ADJUSTMENT APPLICATION



**CITY OF
 TARPON SPRINGS
 FLORIDA**

TEL: (727) 942-5611
 EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- Completed** original application form and digital copy
- Application fee:
 - Variance Request - \$250.00 each, or
 - Appeal of Administrative Decision - \$250.00 each, and
 - Newspaper Ad - \$150.00 each
 - Postcards (500 foot radius) - \$0.77 each, and
 - Placard - \$ 16.00

(Call for fee calculation assistance if needed)

- Property survey, signed and sealed by a professional land surveyor
- Site Plan with documentation of variance request (to scale with measurements called out)
- Photographs of site if relevant to request.
- Digital copies of all application materials (including completed application and plans)
- Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)
- Other supporting information, as necessary

1. Property Owner(s)

Name Tim and Chris Gasco		Email timgasco@sbcglobal.net	
Address 1615 Stonehaven Way			
City Tarpon Springs		State FL	Zip 34689
Phone	Fax		Cell (248) 890-3646

2. Applicant (if different than owner)

Name Same		Email	
Address			
City		State	Zip
Phone	Fax		Cell

3. Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cell

4. General Information

Property Location or Address 1615 Stonehaven Way, Tarpon Springs FL 34689		
Legal Description (attach additional sheets as necessary) Lot 112, Trentwood Manor, Plat book 68, Pgs 64-65, Public Records Pinellas Cty.		
Tax Parcel Number(s) 23-27-15-92009-000-1120	Land Use Category	Zoning District R-70A

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) _____.

Please describe the project and how it varies from the Code (attach additional sheets as necessary). (e.g., A side setback variance reduction from the required 10 feet to 7 feet for the purpose of constructing a building addition)

Install a screen porch with solid roof comprised of aluminum laminate composite panels (SIP) on existing concrete patio. Required setback is 20' and patio extends into this by 7'. It would be impractical to shorten the room to accommodate setback as room would only be 5' wide.

To view the LDC standards and section references, follow the link below:

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO

Board of Adjustment Review Standards:

Per LDC Section 215.02(B) (link provided below), the Board of Adjustment may only grant a variance when the following standards are determined to be met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attach additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ART_XIIADEN_S215.02VA

- (1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district. (Do you have a physical hardship that prevents you from meeting the requirements of the code?) (Provide photographs if possible)
 - (a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental condition. (If there are protected or native trees on your property, they could be considered a physical hardship if their preservation results in the need for the variance.)
 - (b) Location of the property in the Historic District may be considered as a unique physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within that District before any variance may be granted. (If the need for the variance is in response to the property being located in the Historic District, it could be considered a physical hardship.)

While there is little unique with the surrounding properties, 4 out of 5 of the adjacent parcels have some sort of addition, whether it be a screen porch or other structure, with only one of these in compliance with the 20' setback (the other three are 14'-16' from rear setback).

- (2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. (Did you create the situation that requires a variance (e.g. you put in a pool at the minimum setback, but now want a pool screen enclosure that is too close to the property line as a result of the chosen pool location?)

The concrete patio was there when the property was purchased, so no the problem is not self created.

- (3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property. *(Would the approval of the variance allow for the reasonable use of the property and its structures? If the variance is denied, would you still have reasonable use of the property?)*

As mentioned, there are many such nonconforming structures adjacent to the property, and it is evident that there are many such structures in Trentwood Manor when looking at photographs from Google Earth. Refusal of the variance would deny use that others have.

- (4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances. *(Would approval of the variance result in a special privilege that other properties within the same zoning district do not have (e.g. allowing a building to exceed the maximum height just to add another story to the building?)*

See above. Screen porch would be one of many in the subdivision so no special privilege would be granted.

- (5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance. *(Would approval of this request have an adverse effect on surrounding properties?)*

Screen porch would not be much different from other existing structures in the subdivision so no negative impact on property values would result.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser - <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records - <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

BOARD OF ADJUSTMENT APPLICATION

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Timothy Gasco 6-14-22
Applicant's Signature Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

Timothy Gasco / Christine J Gasco 6-14-22
Owner's Signature Date

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 14 day of June, A.D., 2022

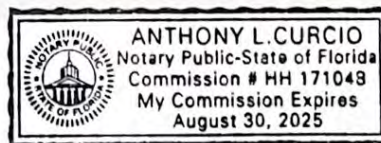
by Timothy Gasco Christine Gasco, who is personally known to me or who has produced
PROPERTY OWNER NAME PRINTED
Florida Driver License as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name: Anthony L. Curcio

Signature: [Signature]

Stamp:



City of Tarpon Springs Board of Adjustment
324 E. Pine Street
P.O. Box 5004
Tarpon Springs, FL
34688-5004

June 14th, 2022

Dear Board,

We are submitting this letter in support of our variance application to construct a screen porch on our existing concrete patio behind our back door at our home at 1615 Stonehaven Way.

Back in September we contracted with Daly Home Improvements in Holiday to replace all our windows and entry doors and to construct the screen porch. Said construction was set to begin at the end of January but various delays work did not begin until May. The contract clearly stated, "includes all materials, labor and BUILDING PERMIT".

We were told that the city had given the go ahead to begin construction on the screen porch which had hit a snag over the survey which was resolved when we provided Daly with the survey we had when we bought the house 6 years ago. Construction of the screen porch began on May 19th and was paid for in full by May 24th. Having not heard from the building department regarding the inspection I called Daly to see when the inspector might be coming by and was told that they had begun and completed construction before the permit was approved and that the permit was denied because the patio extends into the setback by 7 feet.

Needless to say, we were very upset that they not only waited until the last minute to submit the application when we had given them a 20% down payment 8 MONTHS prior to commencement of the project, which would have been plenty of time to apply for a variance and do the proper paperwork. After looking for a way to correct this situation and seeking legal advice, we asked Daly for a refund and to remove the screen porch and refund our money, which they did. We also had our patio skim coated and epoxy painted in early January at a cost of \$1,200 in preparation for the project, which we wouldn't have done if this project was not approved. Daly is storing the components in their warehouse and will reassemble if the variance is approved and we will pay them back the refund minus the cost of the variance, if approved.

Here are some photos so that you can have a view of what the room looked like, as well as other neighboring structures:



1616 Cromwell, behind us to the right. This is setback 16' from the property line.



1612 Cromwell, directly behind us. This addition, like our proposed project, is setback about 14' from the property line.



1608 Cromwell, the home behind and to the right of our property. No one was home and I could not measure, but not 20' from the property line, I estimate about 16'.



Our project from the left...



From the right...



Interior left...



Interior right...

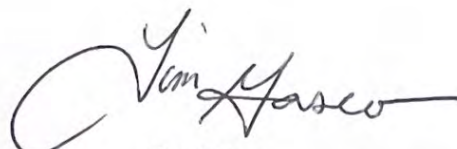


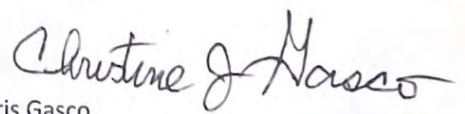
After removal.

We were told that we could put a screen on the top to make it conform, but this is not over a swimming pool, and we want shade in the heat of day and shelter so that we can enjoy our backyard during a cool rain. We were told that the reason a screen was allowed but not a solid roof was that it could be easily disassembled if construction equipment or vehicles needed access to the backyard. The crew from Daly had this screen porch completely disassembled, loaded on a trailer, and taken away in less than four hours so we feel that this is already something that could be done if the city needs to do anything in our backyard and we are willing to pay for that expense out of our own funds should that need to be done, but there are no power lines, sewer, water, etc. present in the easement anyway so we don't think that this would ever need to be done.

In closing, you can see from the photos the room really changed the character our backyard, improving the appearance and adding much needed shade. We really enjoyed it for the two weeks that we were able to experience it and are humbly asking that we be granted this variance so that we can have it back.

Sincerely,

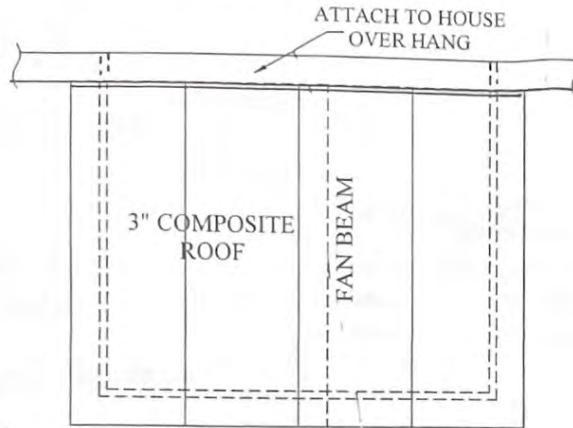

Tim Gasco


Chris Gasco

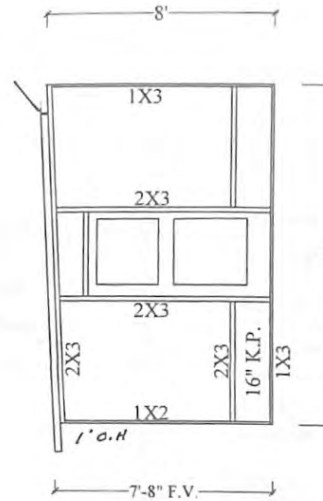
ELEVATION



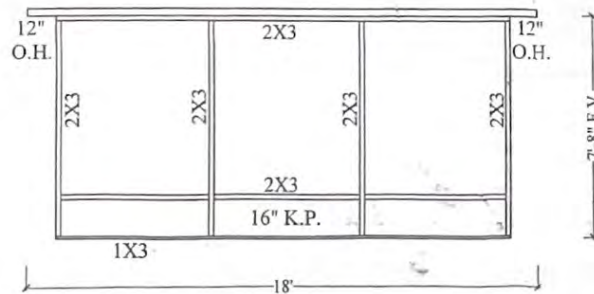
HOST



PLAN



ELEVATION



ELEVATION

DOORS MAY BE RELOCATED PROVIDED POST SPACING IS NOT CHANGED

FIELD VERIFY ALL DIMENSIONS

WIND BRACING TO BE LOCATED IN FIRST OR SECOND BAY

COORDINATE FAN BEAM LOCATION WITH OWNER

STRUCTURAL ITEMS

	SIZE	THKNS	SMB - H - S
ROOF BEAMS	✓		
END POST	2X3X045		H
FRONT POST	2X3X045		H
EAVE BEAMS	2X3X045		H
PURLINS	✓		
CHAIR RAILS	2X3X045		H
BASE PLATE	1X3X040		OB
CARRIER BEAM	✓		
POST	✓		
PANS	Composite 3X48X024 STRUCTURAL OR EQUAL FL 21443.1		

MATERIALS ALUM ALLOY 6005-T5

NOTES

1. WORK THIS SHEET WITH ALL OTHER SHEETS IN THIS SET NOTIFY ENGINEER OF ANY CONFLICTS
2. ENCLOSURE TYPES
 - ✓ FLAT ROOF MIN SLOPE 1/4" / FT
 - MANSARD HIP ENDS
 - MANSARD HEIGHT : 3-FEET UNLESS NOTED
 - GABLE - GABEL ENDS
 - GABLE - HIP ENDS
 - GABLE HEIGHT: 4 FEET

Contractor:

DALY ALUMINUM
1415 U.S. 19 N
HOLIDAY, FL 34691

Job Name: GASCO

Address: 1615 STONEHAVEN WAY

City/County: TARPON SPRINGS

State: FL Zip: 34689

This design is not a standard and is specific to this job.

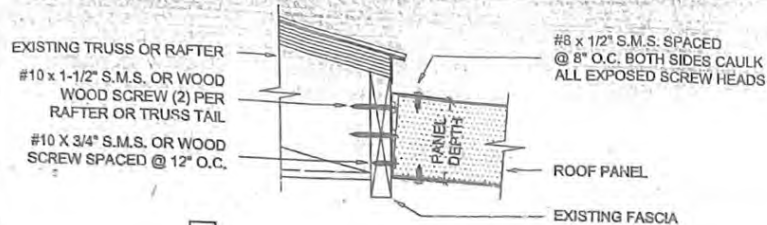
RICHARD WASILEWSKI, P.E.
1520 Chateauwood Dr
Clearwater, FL 33764

FLORIDA LICENSE 15586

727-531-3104 Office
727-580-4341 Cell
727-531-3111 Fax

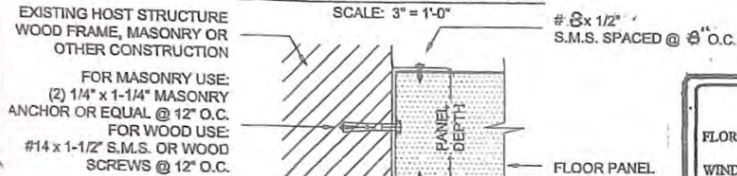
Sealed for Structural

TARPON 135 B

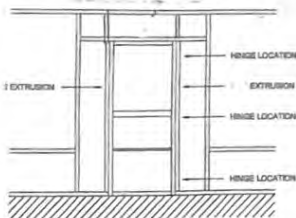


ROOF PANEL TO FASCIA DETAIL

SCALE: 3" = 1'-0"



PANEL TO WALL DETAIL



Notes:

1. Door to be attached to structure with minimum two (2) hinges.
2. Each hinge to be attached to structure with minimum four (4) #12 x 3/4" S.M.S.
3. Each hinge to be attached to door with minimum two (2) #12 x 3/4" S.M.S.
4. Bottom hinge to be mounted between 10 inches and 20 inches from ground.
5. Top hinge to be mounted between 10 inches and 20 inches from top of door.
6. If door location to be adjusted to upright a 1" x 2" x 0.064" may be fastened to upright with #12 x 1" S.M.S. at 12" on center and within 3" from end of upright.

TYPICAL SCREEN DOOR CONNECTION DETAIL

DESIGN DATA

FLORIDA BUILDING CODE 2020 7th EDITION

WIND SPEED Vult. 135 Vard. 105

SURFACE ROUGHNESS B

RISK CATEGORY 1

WIND EXPOSURE CATEGORY B

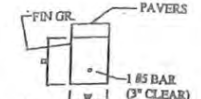
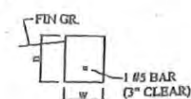
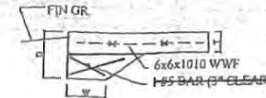
INTERNAL PRESSURE COEFF. NA

TYPE OF STRUCTURE OPEN

DEFLECTION SUPPORTS L/60 ALL OTHER L/120

GENERAL NOTES

- 1 SCREEN 12/14
- 2 ALUMINUM EXCURSION ALLOY = 6005-T3
- 3 THE SECTION MODULES SHALL BE AS SHOWN ON THE PLAN
- 4 SCREWS: ALLOY 2024 - T4 OR STAINLESS STEEL
- 5 BOLTS: ALLOY 2024 - T4, GALVANIZED OR STAINLESS STEEL
- 6 ANCHOR BOLTS: GALVANIZED OR STAINLESS STEEL
- 7 CONCRETE: COMPRESSIVE STRENGTH 3000 PSI AT 28 DAYS
- 8 REINFORCING STEEL: GRADE 60
- 9 SOIL BEARING PRESSURE: 1500 PSF (ASSUMED) CONTRACTOR TO VERIFY
- 10 CONCRETE ANCHORS: TAPCON SLEEVE ANCHORS OR EQUAL (2" EMBEDMENT INTO CONCRETE)
- 11 CABLES: 1/8" S.S WITH CORNER ANCHOR & #8 10 SMS
- 12 CONTRACTOR SHALL INSPECT THE EXISTING STRUCTURE TO VERIFY THE ADEQUACY OF THE STRUCTURE TO SUPPORT THE LOADS OF THE NEW STRUCTURE UNDER ALL CONDITIONS. EXISTING WOOD MEMBERS SHALL BE 2" THICK AND IN GOOD CONDITION. CONTRACTOR TO RETAIN AN ENGINEER TO PERFORM A FIELD INSPECTION IF THE CONTRACTOR BELIEVES THE CONDITIONS WARRANT.



NOTES

- FOOTING & SLAB
- FOOTING & SLAB ALREADY EXISTS = **FIELD VERIFY**
- FOOTING & SLAB ARE PROPOSED
- PAVERS EXIST
- PAVERS ARE PROPOSED
- FOOTING DEPTH EQUALS SLAB THICKNESS-EXISTING
- FOOTING DEPTH EQUALS SLAB THICKNESS-PROPOSED
- T=THICKNESS= 4" IN
- D=DEPTH= IN
- W=WIDTH= IN
- CONTRACTOR TO VERIFY EXISTING CONDITIONS. NOTIFY ENGINEER IF DIFFERENT

NOTES:

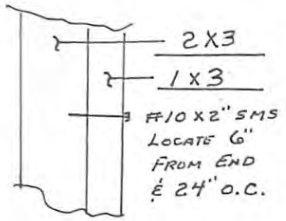
1. THE FOUNDATIONS SHOWN ARE BASED ON A MINIMUM SOIL BEARING PRESSURE OF 1500 PSF. BEARING CAPACITY OF SOIL SHALL BE VERIFIED PRIOR TO PLACING THE SLAB BY TEST OR A SOIL TESTING LAB
2. THE SLAB / FOUNDATION SHALL BE CLEARED OF DEBRIS, ROOTS AND COMPACTED PRIOR TO PLACEMENT OF CONCRETE
3. NO FOOTING OTHER THAN 3-1/2" (4" NOMINAL) SLAB IS REQUIRED EXCEPT WHEN ADDRESSING EROSION UNTIL THE PROJECTION FROM THE HOST STRUCTURE EXCEEDS 2'-0". THEN A FOOTING IS REQUIRED. ALL SLABS SHALL BE 3-1/2" (4" NOMINAL) THICK.
4. MONOLITHIC SLABS AND FOOTINGS SHALL BE MINIMUM 3000 PSI CONCRETE WITH 6X6-10X10 WELDED WIRE MESH - **FIBER FEEB OPTIONAL**
5. IF LOCAL BUILDING CODES REQUIRE A MINIMUM FOOTING, NOTIFY ENGINEER

THIS DESIGN IS SPECIFIC TO THIS JOB. IT IS NOT VALID AS A STANDARD

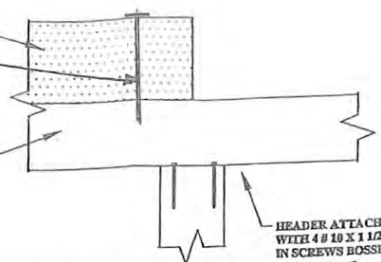
RICHARD WASILEWSKI
1630 CHATEAUNOOD DR.
CLEARWATER, FL 33704
FLORIDA LICENSE 15388
727-531-8104 OFFICE 580-4341 CELL
727-531-3111 FAX

GASCO
1615 STONEMAYEN WAY
TARPON SPRINGS
FL

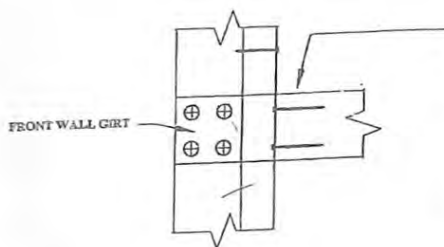
SEALED FOR STRUCTURAL



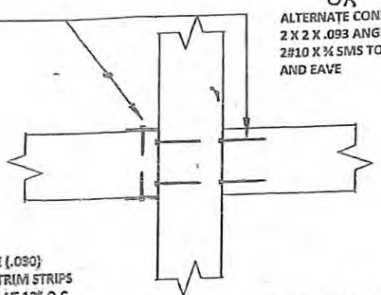
COMPOSITE PANEL
TRUFAST HD or Equal
LENGTH 4'
4 PER PANEL
6" FROM SIDES & 12" O.C.
2x3, TOP RAIL FOR SIDE WALLS
ONLY OR 2x3, FRONT WALL
ATTACHED TO POST WITH 4# 10x2"
INTO SCREW BOSES



HEADER ATTACHED TO POST
WITH 4# 10 X 1 1/2" SMS
IN SCREWS BOSES
OR
ALTERNATE CONNECTION
2 X 2 X .093 ANGLE
2#10 X 3/4" SMS TO POST
AND EAVE

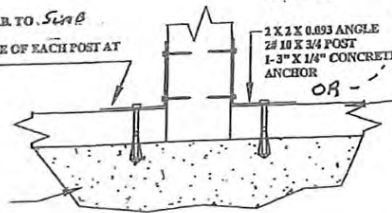


CHAIR RAIL SEE COVER
SHEET FOR SIZE
INTERIOR CONNECTION
4#10X 1 1/2" SMS
INTO SCREW BOSES, OR
EXTERIOR CONNECTION
RECEIVING CHANNEL CLIP
.063 X 2" LEGS
3" DEPTH - 3" CHAIR RAIL
2" DEPTH - 2" CHAIR RAIL
6#10X 1" TOTAL
2 COLLIERIN
2 EA. LEG CHANNEL



16" KICKPLATE (.093)
SECURE WITH TRIM STRIPS
& #8 X 3/4" SMS AT 12" O.C.

ADD SECOND ANGLE
POST TO CONCRETE
PER CHART



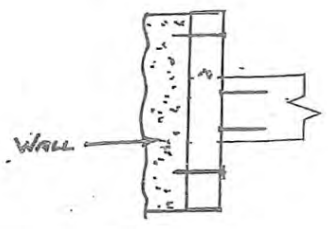
ANCHOR 1X3 O.B. TO Slab
AT OF EACH SIDE OF EACH POST AT
24" O/C MAX

ALTERNATE CONNECTION
O.B. BASE TO POST
4#10X2" SMS
TO SCREW BOSES
OF POST
OR -
1X3-0.093" MIN.
OPEN BACK
EXTRUSION

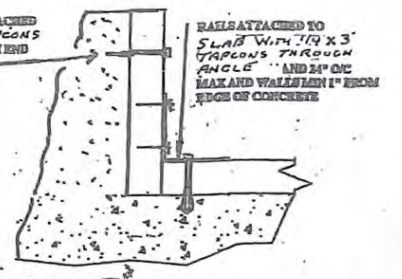
SECONDARY CONNECTION
COLUMN BASE CHART

COLUMN	ANGLE (EA SIDE)	1/4X3" TAPCONS (EA SIDE)*	#10 X 3/4" SMS (EA SIDE)
2 X 4	2" X 2" X .093	1	2
2 X 5	2" X 3" X .093	1	2
2 X 6	2" X 4" X .093	2	3

*USE 1/4" X 5" TAPCONS WHEN PAVERS ARE USED

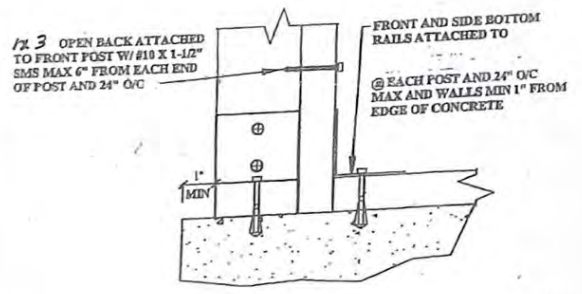


1X3 OPEN BACK ATTACHED
TO FRONT POST WITH 4# 10 X 1-1/2"
SMS MAX 6" FROM EACH END
AND 24" O/C



RAILS ATTACHED TO
SLAB WITH 1/4 X 3"
TAPCONS THROUGH
ANGLE AND 24" O/C
MAX AND WALLS MIN 1" FROM
EDGE OF CONCRETE

WALL DETAIL



1X3 OPEN BACK ATTACHED
TO FRONT POST WITH 4# 10 X 1-1/2"
SMS MAX 6" FROM EACH END
OF POST AND 24" O/C

FRONT AND SIDE BOTTOM
RAILS ATTACHED TO
@ EACH POST AND 24" O/C
MAX AND WALLS MIN 1" FROM
EDGE OF CONCRETE

TYPICAL CORNER DETAIL

POST TO BASE, GIRT AND
POST TO BEAM DETAIL

THIS DESIGN IS SPECIFIC TO
THIS JOB. IT IS NOT VALID AS A
STANDARD

SEALED FOR STRUCTURAL

RICHARD WASLEWSKI
1820 CHATELWOOD DR.
CLEARWATER, FL 33764
FLORIDA LICENSE 15588
727-531-8104 OFFICE 530-4341 CELL
727-531-3111 FAX

GASCO
1615 STONEHAVEN WAY
TARRON SPRINGS
FL

- Front -

- House -

3" Compost Bed 18'x12'

Attached To Overhang -

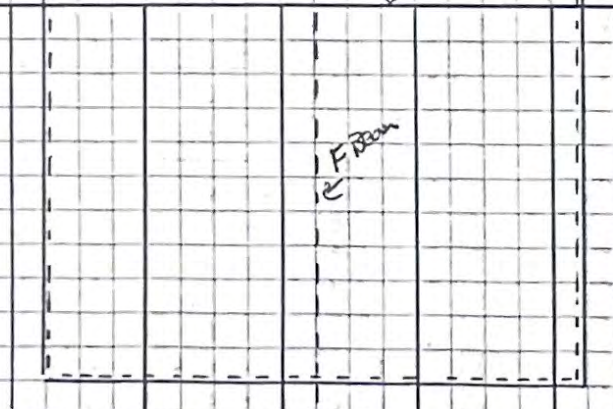
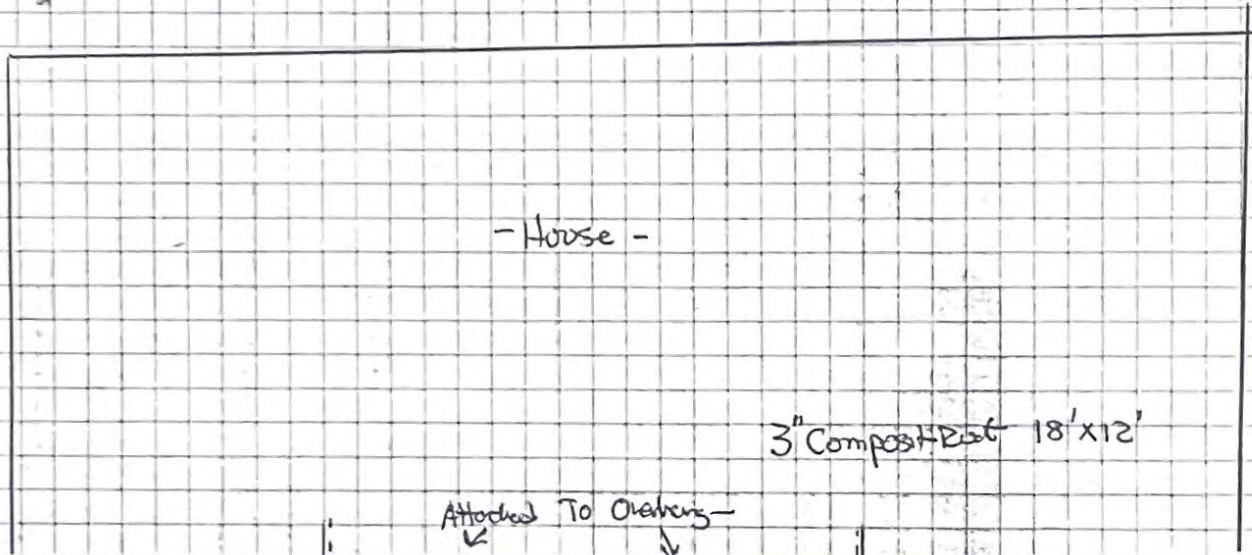
FRONT

- Screen Walls -

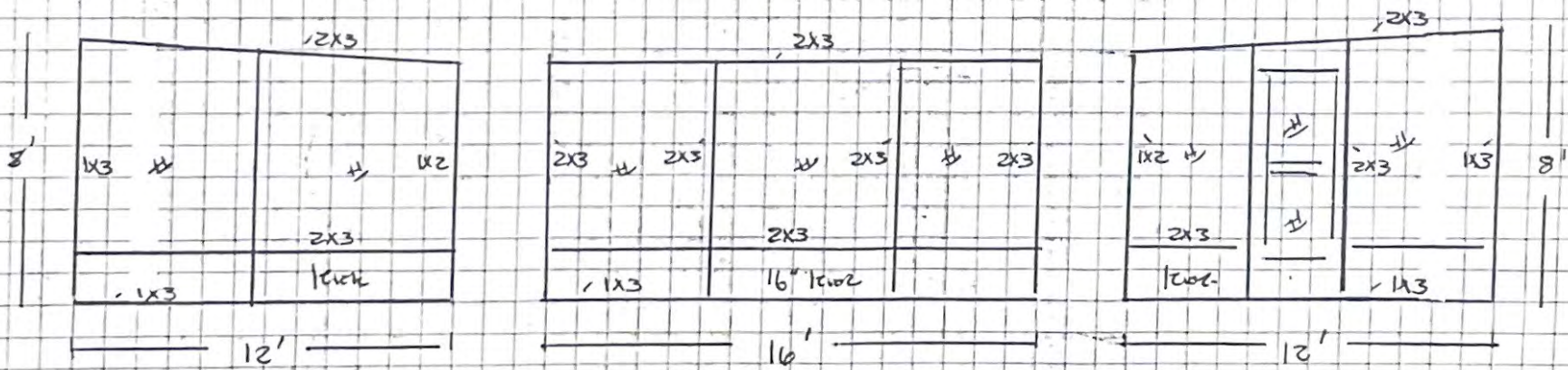
12'

18'

- Rear -



- Screen Walls -





CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[AUGUST 24, 2022]

STAFF REPORT

Application No. / Project Title: #22-78 (Koos)
Staff: Allie Keen, AICP, Senior Planner
Applicant / Owner: Louis J. Koos, Jr. & Pamela Koos
Property Size: +/- 6,300 square feet
Current Zoning: R-70 (One and Two Family Residential)
Current Land Use: RU (Residential Urban)
Location / Parcel ID: 1611 Coppertree Drive / 23-27-15-92009-000-2360

BACKGROUND SUMMARY:

The applicant is requesting a variance to allow a fence to be 8 feet in height, 2 feet taller than permitted in a residential district. The applicant proposing to construct a wood privacy fence along the north side property line.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff recommends approval of this request.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The R-70 one- and two-family residential district is established to provide for a mixture of one- and two-family dwellings at a medium density where the mixture is determined to be compatible with development trends in the area.

Development Standards: Per Land Development Code Section 36.03(C), in all residential districts, no fence, hedge, or wall shall exceed 6 feet in height.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	Single family home, pool, driveway, and landscaping.
Vehicle Access:	This property gains access from Coppertree Drive

SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-70 (One and Two Family Residential)	RU (Residential Urban)
South:	R-70 (One and Two Family Residential)	RU (Residential Urban)



East:	R-70 (One and Two Family Residential)	RU (Residential Urban)
West:	Unincorporated Pinellas County	Unincorporated Pinellas County

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The applicant is proposing to install a new 8 foot tall, wood fence along the northern side property line. According to the applicant, the adjacent property to the north sits at a higher elevation than the subject property. The elevation difference ranges between 2.5 feet to 18 inches from west to east. The increased fence height will provide additional privacy for the subject property.
2. Per Land Development Code Section 36.03(C), fences are limited to a maximum 6 feet in all residential districts. The Code measures the height of fences from the adjacent grade. Due to the elevation difference, an 8-foot-tall fence installed along the north property line would result in a visual height from the adjacent property of approximately 6 feet.
3. There is an existing 4-foot-tall chain link fence along the neighbor’s property to the north. The applicant has not indicated whether the proposed fence will replace the existing chain link fence or be installed adjacent to it.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 215.02(B) of the Land Development Code provides that the Board of Adjustment shall grant no variance unless certain standards are met and proven by competent substantial evidence. These standards, along with planning staff’s provisional findings of fact are provided below:

1. **The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.**

Provisional Findings: The need for the variance for an increased fence height arises from the higher elevation of the adjacent property. The installation of an 8-foot-tall fence along the northern property line would result in a visual height of approximately 6 feet from the neighbor’s property, which would be comparable to the allowances of the Land Development Code. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

2. **The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.**

Provisional Findings: The special circumstances of the property have not been self-created no resulted from any action by the applicant. The property was developed in 1973, prior to the applicant owning the property. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

3. **Literal enforcement of the requirements of the City of Tarpon Springs’ Comprehensive Land Development Code would have the effect of denying the applicant of reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.**

Provisional Findings: The height of the fence is measured from the adjacent grade. Due to the subject property being approximately 2 feet lower than the adjacent property to the north, it would result in a 6-foot fence only being approximately 4 feet for the neighboring property. The proposed additional 2 feet will only increase the visual height from the adjacent property to approximately 6 feet, which is consistent



with other fences allowed and constructed in residential zones. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 4. Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances.**

Provisional Findings: Fences are limited to 6 feet in height for all residential districts. Due to the elevation change between the subject property and the property to the north, the taller fence will provide the same level of privacy as other fences permitted in residential districts. The increased height will also provide additional privacy and screening for the adjacent property to the north due to the elevation change. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 5. Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.**

Provisional Findings: Approval of this request will not substantially diminish property values or alter the character of the neighborhood. Due to the elevation of these two properties, it created a unique situation where a taller fence will provide similar screening as a permitted 6-foot fence for both the subject site and the adjacent property to the north. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

PUBLIC CORRESPONDENCE:

Notices were sent to property owners within 500 feet of the subject property; a legal notice was published in the Tampa Bay Times; and the property was posted. *Staff has not received any responses to these notices.*

ATTACHMENTS:

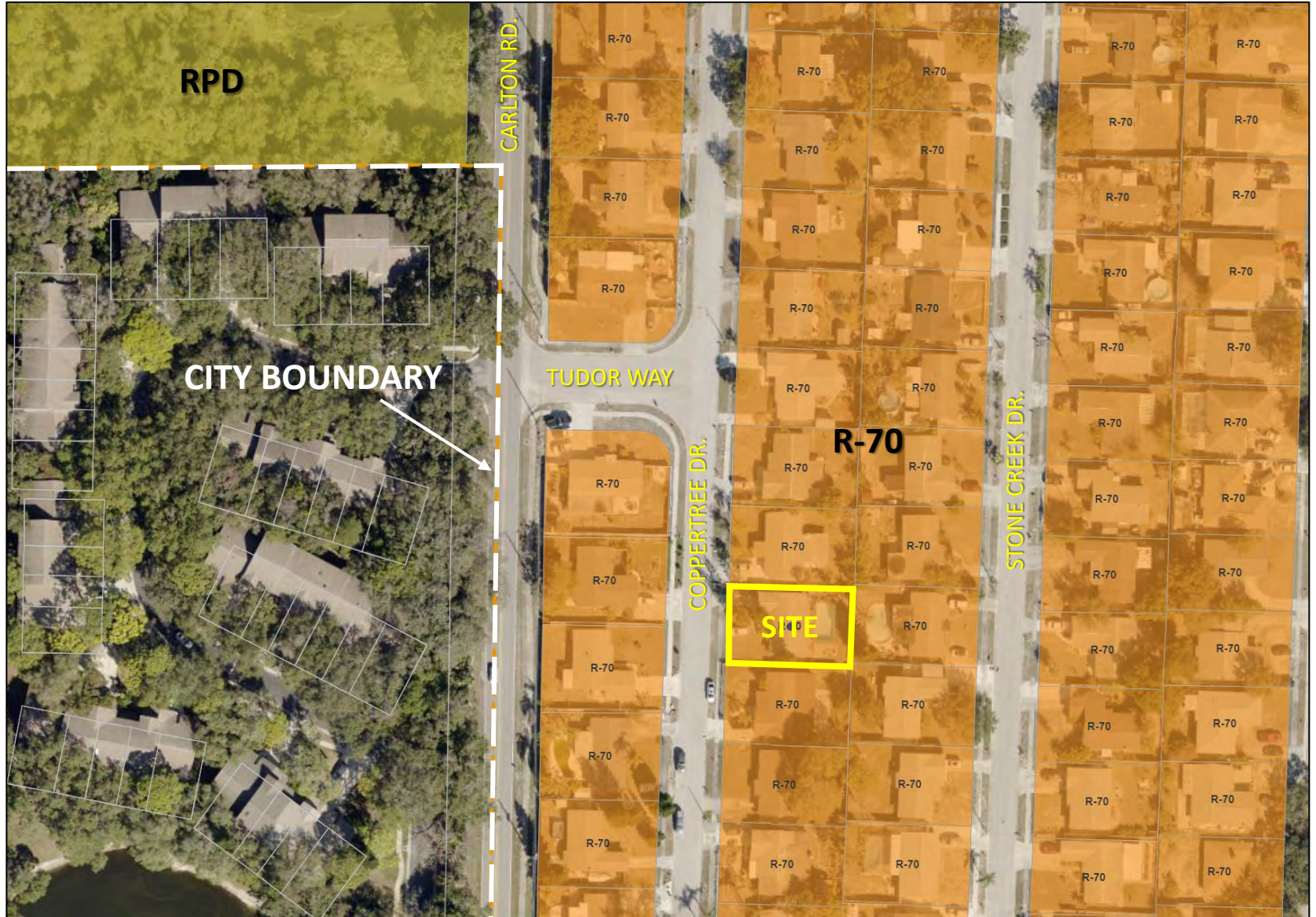
1. Staff Presentation
2. Application Materials
3. Survey

KOOS #22-78

Board of Adjustments – August 24, 2022



LOCATION & CONTEXT



REQUEST

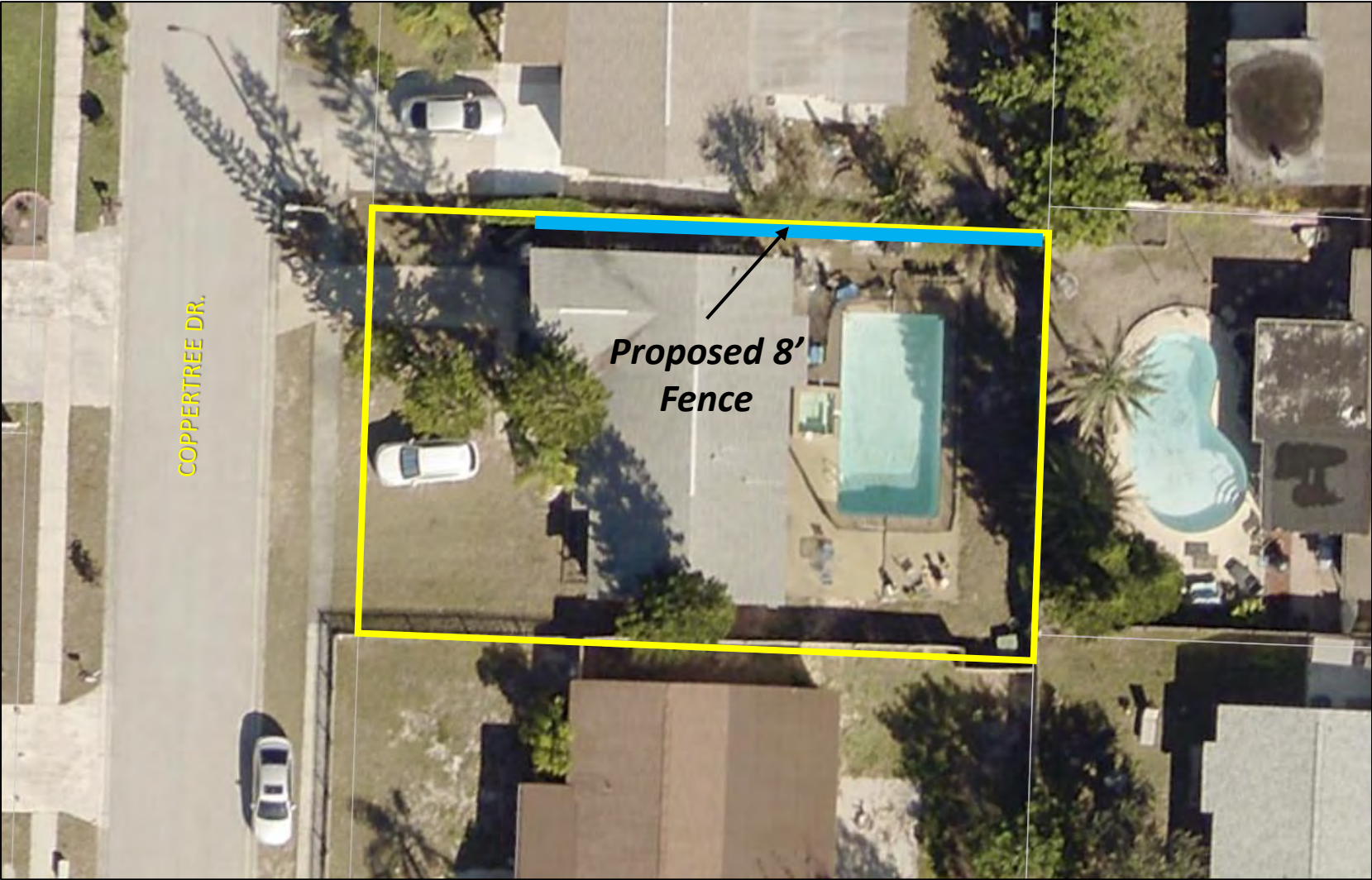
- **#22-78 – Fence Height**

- Residential Districts (Side/Rear Yard):
 - *Maximum Height Permitted: 6 feet*
 - *Proposed: 8 feet*

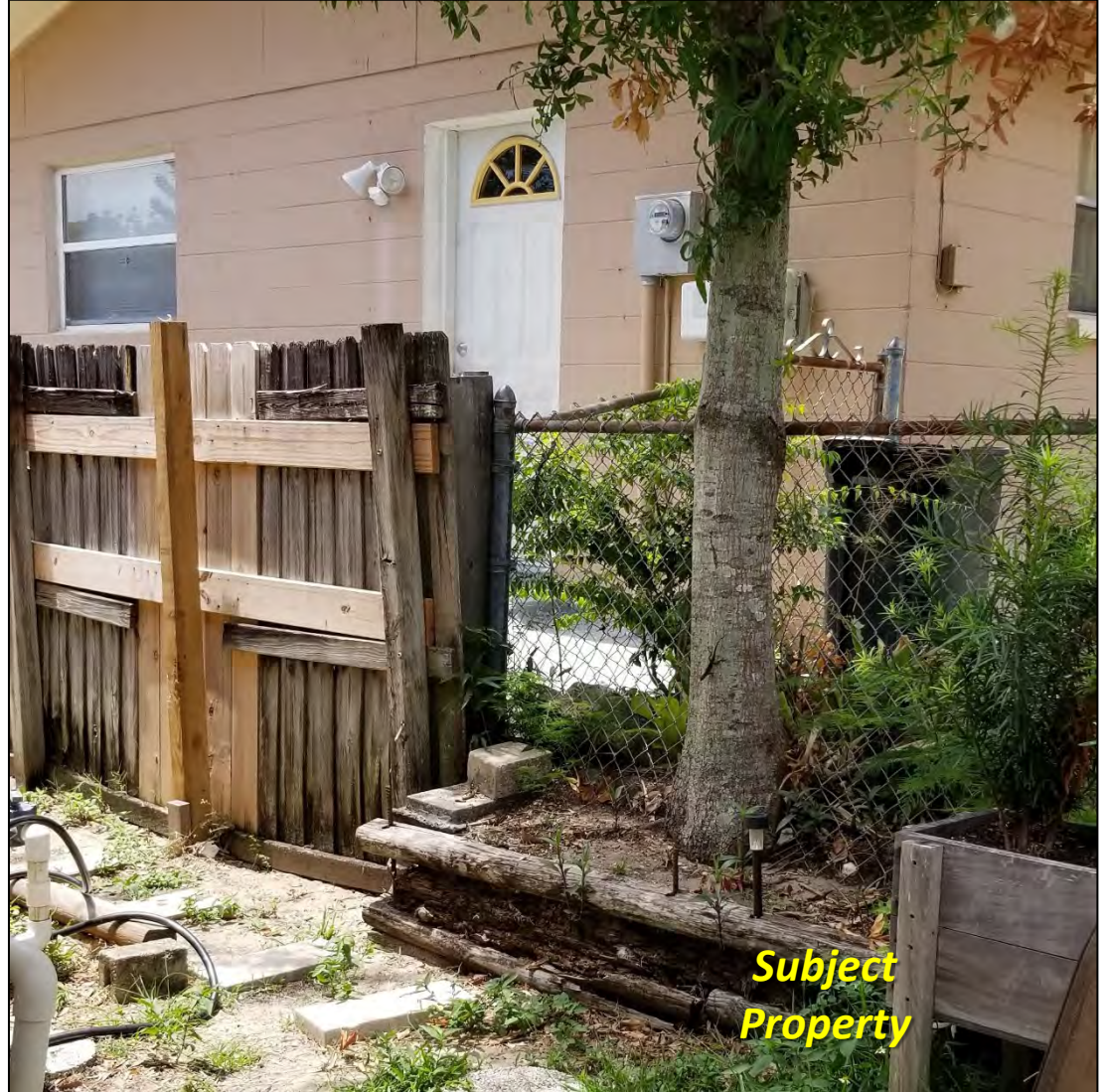
- **Applicant/Owner: Louis & Pamela Koos**

- *Proposing to construct an 8 foot tall fence along the north side property line.*

REQUEST



ELEVATION CHANGE

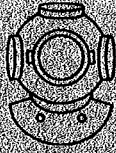


Adjacent Property Elevation ranges between 1.5 to 2.5 feet higher than subject property.

REVIEW STANDARDS - VARIANCE

- 1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.
- 2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.
- 3) Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant or reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.
- 4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of a property that is not commonly enjoyed by other persons in similar circumstances.
- 5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.





CITY OF
TARPON SPRINGS
 FLORIDA

TEL: (727) 942-5611
 EMAIL: planning@ctssf.us

www.ctssf.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- Completed** original application form and digital copy.
- Application fee
 - Variance Request - \$250.00 each, or
 - Appeal of Administrative Decision - \$250.00 each; and
 - Newspaper Ad - \$150.00 each
 - Postcards (500 foot radius) - \$0.77 each; and
 - Placard - \$ 16.00.

(Call for fee calculation assistance if needed)

- Property survey, signed and sealed by a professional land surveyor
- Site Plan with documentation of variance request (to scale with measurements called out)
- Photographs of site if relevant to request
- Digital copies of all application materials (including completed application and plans)
- Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)
- Other supporting information, as necessary

1. Property Owner(s)

Name Louis J. Koos, Jr		Email louiek76@yahoo.com
Address 1611 Coppertree Drive		
City Tarpon Springs	State FL	Zip 34689
Phone 727-940-5182	Fax	Cell 727-200-9372

2. Applicant (if different than owner)

Name		Email
Address		
City	State	Zip
Phone	Fax	Cell

3. Agent (if applicable)

Name		Email
Address		
City	State	Zip
Phone	Fax	Cell

4. General Information

Property Location or Address 1611 Coppertree Drive, Tarpon Springs, FL		
Legal Description (attach additional sheets as necessary) One Story Residence Lot 236 Trentwood Manor		
Tax Parcel Number(s)	Land Use Category	Zoning District

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 36.03.

Please describe the project and how it varies from the Code (attach additional sheets as necessary). (e.g., A side setback variance reduction from the required 10 feet to 7 feet for the purpose of constructing a building addition)

Installation of a 8 foot tall wood privacy fence on left property line to accomodate difference of elevation of between our property and that of our neighbor's property. A 6 foot high fence would be ineffective for privacy due to the difference of elevation between our neighbor's property and our own.

To view the LDC standards and section references, follow the link below:

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeld=COOR_APCOZOLADECO

Board of Adjustment Review Standards:

Per LDC Section 215.02(B) (link provided below), the Board of Adjustment may only grant a variance when the following standards are determined to be met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attach additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeld=COOR_APCOZOLADECO_ART_XIIADEN_S215.02VA

- (1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district. *(Do you have a physical hardship that prevents you from meeting the requirements of the code?) (Provide photographs if possible)*
 - (a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental condition. *(If there are protected or native trees on your property, they could be considered a physical hardship if their preservation results in the need for the variance.)*
 - (b) Location of the property in the Historic District may be considered as a unique physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within that District before any variance may be granted. *(If the need for the variance is in response to the property being located in the Historic District, it could be considered a physical hardship.)*

A 6 foot tall fence would not give us privacy as our neighbor's property is approximately 2 feet higher in elevation than our own. We have an ingroumd pool and dining areas in our yard that we use often and would like to have privacy from our neighbors.

- (2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *(Did you create the situation that requires a variance (e.g. you put in a pool at the minimum setback, but now want a pool screen enclosure that is too close to the property line as a result of the chosen pool location)?)*
We have not created the cicumstances of the elevation. This was a natural occurance.

- (3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property. *(Would the approval of the variance allow for the reasonable use of the property and its structures? If the variance is denied, would you still have reasonable use of the property?)*

Yes, the approval of the variance would allow for the reasonable use of the property.

If the variance is denied, I would not have reasonable use of the property.

- (4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances. *(Would approval of the variance result in a special privilege that other properties within the same zoning district do not have (e.g. allowing a building to exceed the maximum height just to add another story to the building)?)*

No, I do not think that special privilege would apply.

- (5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance. *(Would approval of this request have an adverse effect on surrounding properties?)*

No, I do not think approval of this request would have an adverse effect on surrounding properties.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

BOARD OF ADJUSTMENT APPLICATION

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Applicant's Signature Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

Louis J Koos

Owner's Signature Date

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 30 day of June, A.D., 20 22
by Louis J Koos, who is personally known to me or who has produced
FLDL# K200-XX-XX-XX-X as identification and who did (did not) take an oath.



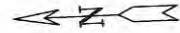
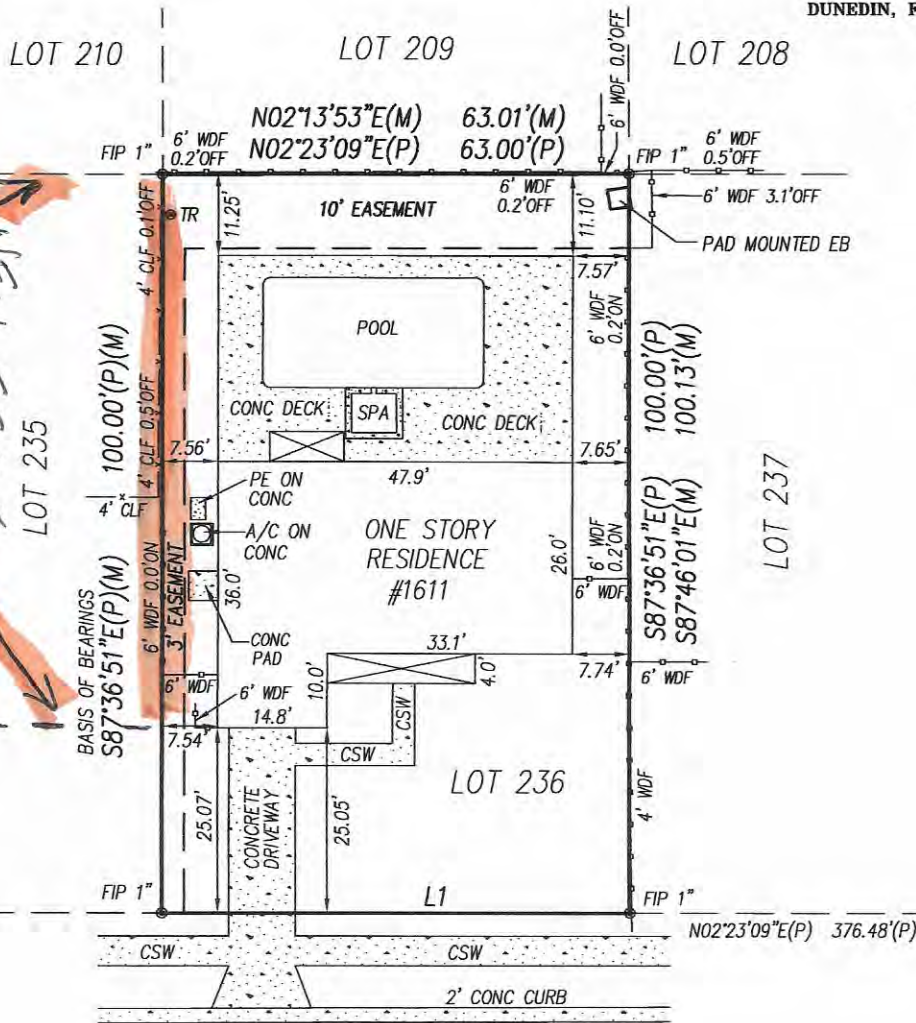
KIMBERLY A YOTHERS
Commission # GG 353000
Expires July 30, 2023
Bonded Thru Budget Notary Services

NOTARY PUBLIC
Name: Kimberly Yothers
Signature: [Handwritten Signature]
Stamp: _____

**BOUNDARY SURVEY OF
1611 COPPERTREE DRIVE
TARPON SPRINGS, FL 34689**

**KNOW IT NOW, INC.
aka Affordable Surveys
727-415-8305**

2011 HEIDELBERG AVENUE
DUNEDIN, FL 34698 USA



Legal Description:
Lot 236, TRENTWOOD MANOR, according to the map or plat thereof, as recorded in Plat Book 68, Pages 64-65, of the Public Records of Pinellas County, Florida.

ASPHALT ROADWAY
COPPERTREE DRIVE
50' RIGHT OF WAY



A/C AIR CONDITIONER	FIP FOUND IRON PIPE	PP POWER POLE
(C) CALCULATED	FIR FOUND IRON ROD	POB POINT OF BEGINNING
CB CABLE BOX	FN FOUND NAIL	POC POINT OF COMMENCEMENT
CLF CHAIN LINK FENCE	FND FOUND NAIL AND DISK	RW RIGHT OF WAY
CONC CONCRETE	FXC FOUND X CUT	SIR SET 1/2" IRON ROD WITH CAP - LB 6912
CSW CONCRETE SIDEWALK	LP LIGHT POLE	SND SET NAIL AND DISK LB 6912
(D) DEED	(M) MEASURED	TOB TOP OF BANK
DE DRAINAGE EASEMENT	MH MANHOLE	TOS TOE OF SLOPE
EB ELECTRIC BOX	NGF NO CORNER FOUND	TP TELEPHONE RISER
EW EDGE OF WATER	OHW OVERHEAD WIRES	UE UTILITY EASEMENT
EP EDGE OF PAVEMENT	O/A OVER-ALL	WM WATER METER
FCIR FIR CAPPED	(P) PLAT	WDF WOOD FENCE
FCM FOUND CONC MONUMENT	PE POOL EQUIPMENT	

L1(P) - N02°23'09"E 63.00'
L1(M) - N02°20'55"E 63.28'

SCALE: 1"=20'

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE
(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

(C) 2021 CERTIFIED EXCLUSIVELY TO:

Louis Koos; Pamela Koos
First Title Source
First American Title Insurance Company
Parkside Lending, LLC

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

BILL H
HYATT
2021.05.1
8
11:31:23
-04'00'

DATE OF FIELD SURVEY: 05/18/2021
BILL HYATT
Surveyor & Mapper Number 4636
LB 6912
FLORIDASURVEYOR@AOL.COM
727-415-8305

Photo showing the neighbor's 4 foot high chain link fence and the poor condition it is in. Our property is on the left in this photo.



Photo is showing the back corner grade with a 6 foot high wood fence along the back line in comparison. Our property is on the right in this photo.



Photo is showing the grade difference of our neighbor's side patio and entrance in comparison to our property. Our property is on the left in this photo.



Photo is showing the height difference of our neighbor's side patio and entrance in comparison to our property. Our property is on the left in this photo.



Photo is further showing the elevation difference between our property and the height of our neighbor's property. Our property is on the left in this photo.

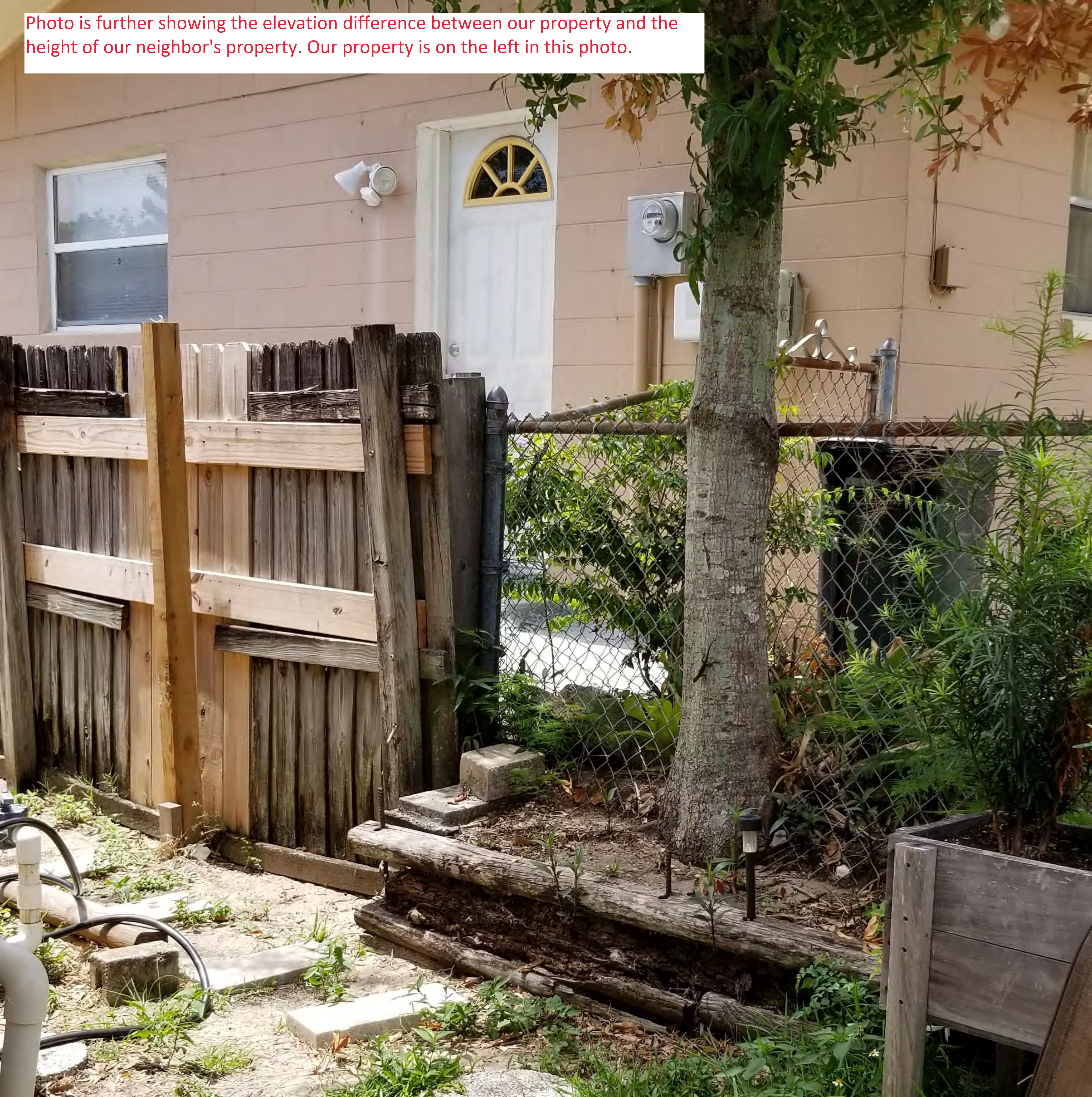


Photo is further showing the elevation difference between our property and the height of our neighbor's property. Our property is on the left in this photo.





MINUTES*
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
REGULAR SESSION – JUNE 29, 2022

THE BOARD OF ADJUSTMENT OF THE CITY OF TARPON SPRINGS, FLORIDA MET IN A REGULAR SESSION IN THE CITY HALL AUDITORIUM AT 324 PINE STREET ON WEDNESDAY, JUNE 29, 2022, AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

	Jacqui Turner	Chairperson
	George Bouris	Vice-Chairperson
	Chris Hrabovsky	Member
	Joanne Simon	2 nd Alternate
ABSENT/EXCUSED	Joanne Reich	Member
ALSO PRESENT:	Patricia McNeese	Principal Planner
	Allie Keen	Senior Planner
	Erica Augello	Board Attorney
	Kimberly Yothers	Secretary to the Board

1. CALL TO ORDER/ROLL CALL

Chairperson, Turner called the meeting to order at 6:31 P.M.

Secretary to the Board Yothers called the roll.

2. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING OF SPEAKERS

Mrs. Augello read the Quasi-Judicial Announcement, swore in all who wished to testify and asked the Board if there was any ex-parte communication, there was none.

3. APPLICATION #22-55 – VARIANCE TO REDUCE THE REQUIRED REAR AND SIDE YARD SETBACKS FOR THE CONSTRUCTION OF A POOL SCREEN ENCLOSURE.

LOCATION: 705 N. FLORIDA AVENUE

Staff:

Mrs. Keen gave background information, explained the Findings of Fact listed below and indicated that based on the evidence available at the time this report was prepared, staff recommended approval of this request.

Findings of Fact:

1. The need for the variance is due to the location of the pool on the property, which was constructed prior to 1980, before the current Land Development Code was in effect.

(Continued)

APPLICATION #22-55 (CONTINUED)

2. The special circumstances of the property have not been self-created nor resulted from any action by the applicant nor with prior knowledge or approval of the applicant. The pool was built pre-1980 prior to the applicant obtaining ownership of the property. Further, the pool predates the current Land Development Code, which was adopted in 1990, therefore it is legally nonconforming.
3. Due to the location of the pool and the minimum separation requirements between the water's edge and a pool screen enclosure, it is not possible to meet the minimum side setback. The requested variance is the minimum necessary to construct the enclosure.
4. Approval of this request will not confer any special uses or privileges to the applicant that are not commonly enjoyed by other property owners in this area. Pool screen enclosures are abundant throughout this neighborhood and others within the City. Granting the variance will allow for reasonable use and enjoyment of the pool similar to other properties in the area.
5. The proposed pool screen enclosure will surround an existing pool that has been on this property since at least 1980. Approval of this request will not substantially diminish property values or alter the character of the neighborhood.

Applicant:

Brandon Thomas, 704 N Florida Ave, noted that Staff explained everything very well.

Motion: Mr. Hrabovsky
Second: Mr. Bouris

To approve application 22-55 as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Ms. Simon	Yes
Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

4. APPLICATION #22-59 – VARIANCE TO REDUCE THE REQUIRED SIDE YARD SETBACK FOR A DETACHED GARAGE.
LOCATION: 1503 E. TESSIER DRIVE

Staff:

Mrs. Keen gave background information, explained the Findings of Fact listed below and noted that based on the evidence available at the time this report was prepared, staff recommended approval of this request.

Findings of Fact:

1. The garage was properly permitted in 2014, however, the permit was approved in error and allowed the structure to be built at a 5-foot setback, at no fault of the applicant. The garage would have to either be rebuilt or moved to correct the mistake, which is economically impractical at this time.
2. The garage received permit approval in 2014 (Permit #13-1176) and was constructed with a 5-foot side setback, which was what was approved on the permit.
3. The mistake was a result in the permit being issued in error and would only have been avoided if at the time of permitting the incorrect side setback was identified and corrected. The need for the after-the-fact variance is not self-created nor resulting from any action by the applicant without prior knowledge or approval of the applicant.

Applicant:

The City of Tarpon Springs was the applicant.

Public:

Joe Hamilton, 620 N Florida Avenue, noted that he was required to move his shed.

Steven Opamica, 707 Anclote Drive, noted that he thought this application was a huge waste of time.

Brooks Fountain, 1505 E Tessier Drive, he was in favor of approval of the application.

Sia Prive, 1507 E Tessier Drive, property owner noted that she was unaware that their garage did not meet the setback requirements and that the complaint about the garage was retaliation for asking the neighbor to move their fence, which was blocking her view of backing out of the driveway and it was a danger for pedestrians.

Kristy Birge, 1502 E Tessier Drive, noted that the garage was built before the fence and the fence was causing issue with the sight triangle.

(Continued)

APPLICATION #22-59 (CONTINUED)

Motion: Mr. Hrabovsky
Second: Ms. Simon

To approve application 22-59 as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Ms. Simon	Yes
Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

5. APPLICATION #22-64 – VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE DRIVEWAY WIDTH.
LOCATION: 325 W. MARTIN LUTHER KING JR. DRIVE

Staff:

Mrs. Keen gave background information, explained the Findings of Fact listed below and noted that based on the evidence available at the time this report was prepared, staff would recommend denial of this request. The current driveway configuration was already 6.5 feet wider than permitted and the proposed alteration further increases the nonconformity.

Findings of Fact:

1. The subject property meets the minimum lot area, width, and depth requirements for the R-70 zoning district. Further, the existing home meets and exceeds the minimum front setback requirement of 25 feet. There are no special circumstances unique to the subject property that warrants a wider driveway than permitted.
2. The current nonconforming circular driveway is required to come into compliance with the current standards due to the applicant wanting to remove the existing concrete and replace the driveway with pavers. The existing driveway already exceeds the maximum total width by 6.5 feet. Approval of this variance results in a driveway that is 14.5 feet wider than permitted for a property with 70 feet of frontage.
3. Literal enforcement of the maximum total driveway width for a circular driveway would not deny the applicant of reasonable use of the property. This property is already served by a nonconforming driveway and a new circular driveway could be designed in a manner to meet the standards of the Code. The property conforms with all minimum lot standards and meets the minimum front setback for the home which provides adequate space for a functional driveway.

(Continued)

APPLICATION #22-64 (CONTINUED)

- 4. There are several other properties, including the subject site, with circular driveways exceeding the maximum allowable driveway widths within the immediate area. The proposed driveway is comparable to the average width of other circular driveways within the area.
- 5. The increased total driveway width is not expected to substantially diminish property values or greatly alter the character of the neighborhood. There are several other properties within the immediate area with similar circular driveways to what is proposed by the applicant.

Applicant:

Mr. Stolon and Mr. Swailes introduced the video that was included in the agenda packet.

Mr. Swailes narrated the video indicating that vehicles ran the stop sign often.

Mr. Stolon indicated that Mr. Swailes needed to be able to drive around his driveway.

Motion: Mr. Hrabovsky
Second: Ms. Simon

To approve application 22-64 as presented.

Mr. Hrabovsky went through the findings of fact and noted that all of them were met.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Ms. Simon	Yes
Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

6. COMPREHENSIVE PLAN WORKSHOP WITH BOARD

OPENED AT 7:49

ADJOURNED AT 8:02

7. APPROVAL OF MINUTES

- a. February 23, 2022
- b. April 27, 2022

Motion: Mr. Bouris
Second: Mr. Hrabovsky

To approve minutes from February 23, as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Ms. Simon	Yes
Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

Motion: Mr. Bouris
Second: Ms. Simon

To approve minutes from April 27, as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Ms. Simon	Yes
Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

8. STAFF COMMENTS

There were no Staff Comments.

9. BOARD COMMENTS

There were no Board Comments

10. ADJOURNMENT

Ms. Turner adjourned the regular meeting at 7:37 p.m.

Jacque Turner, Chairperson

***SECRETARY'S NOTE:** The preceding are action minutes and are not the official meeting record.